

## **APPENDIX**

**LIST OF AMICI CURIAE**

The **Advocates for Human Rights** is a non-governmental, non-profit organization dedicated to the promotion and protection of internationally recognized human rights. Founded in 1983, today The Advocates for Human Rights engages more than 800 active volunteers annually to document human rights abuses, advocate on behalf of individual victims of human rights violations, educate on human rights issues, and provide training and technical assistance to address and prevent human rights violations. The Advocates for Human Rights provides *pro bono* legal assistance to indigent asylum seekers in the Upper Midwest. The Advocates for Human Rights has a strong interest in seeing that the United States construe legal protections for refugees and asylum seekers in a way that is consistent with international human rights standards and that does not leave actual victims of persecution outside its reach.

Founded in 1994 by a small group of concerned professionals, **Advocates for Survivors of Torture and Trauma** (ASTT) provides comprehensive mental health care and social services to survivors of torture and war trauma. ASTT is an independent, nonprofit organization whose mission is to alleviate the suffering of those who have experienced the trauma of torture, to educate the local, national, and world community about the needs of torture survivors, and to advocate on their behalf. ASTT's mental health services include psychological assessment, individual and family psychotherapy, and group treatment. In

appropriate cases, psychologists will conduct a full psychological evaluation for use as expert asylum court testimony. In addition, ASTT psychologists also help clients deal with the often intense emotional stress that accompanies the process of seeking asylum. ASTT is based in Baltimore and operate satellite offices in Washington, D.C. and Wheaton, MD.

**Catholic Charities Immigration Legal Services** was established in 1986 to provide professional immigration legal services to low-income, foreign-born individuals residing in the Washington, DC metropolitan area. A multi-lingual staff of attorneys and BIA-accredited representatives provides thousands of direct legal services on a variety of immigration matters each year, including asylum. Last year, Catholic Charities assisted 78 individuals with applications for asylum, affirmative and defensive, as well as referring additional individuals to our *pro bono* panel for assistance with their applications.

The **Center for Gender & Refugee Studies** (CGRS) has a direct and serious interest in the development of immigration and refugee law, including the issues under consideration. Founded in 1999 at the University of California, Hastings College of the Law, CGRS is the nation's leading organization supporting women asylum-seekers fleeing gender related harm, at both the practice and policy levels. Through its scholarship, expert consultations, advocacy, and appellate litigation, CGRS has played a central role in the development of refugee law and policy on a wide range of issues. Judicial review of

the one year bar – the central issue under consideration – implicates a matter of great consequence to CGRS. The Center has analyzed the impact of the one year bar in over 200 asylum cases and has published a journal article on the implementation of the bar.

**The Cornell University Law School Immigration Appellate Law and Advocacy Clinic** is one of the only law school clinics in the country that focuses exclusively on appellate immigration cases. Under the supervision of the Clinic Directors, law students represent immigrants fleeing persecution in their appeals before the Board of Immigration Appeals (BIA) and federal courts. Since the clinic's founding in 2003, approximately fifty law school students have worked on twenty-five cases. The Clinic has won nearly half the cases it has taken, which is a far greater rate of victory than most appeals before the BIA and the federal courts.

**The Harvard Immigration and Refugee Clinical Program (HIRC)** has worked with hundreds of immigrants and refugees since its founding in 1984. It combines representation of individual applicants for asylum and related relief with the development of theories and policy relating to asylum law. The U.S. Department of Justice and the Department of Homeland Security have engaged the HIRC in the training of immigration judges, asylum officers, and supervisors on issues related to asylum law. The HIRC published the first major treatise on U.S. asylum law, *Law of Asylum in the United States*. In addition, the HIRC provides advice, support, and supplemental services to advocates

around the United States. The HIRC has an interest in the proper application and development of U.S. asylum law, so that claims for asylum protection receive fair and proper consideration under existing standards of law. The HIRC regard the one-year filing deadline issue in this case as especially important, since it affects many of the clients the clinic represents.

The **Harvard Immigration and Refugee Clinic at Greater Boston Legal Services Greater Boston Legal Services** (GBLS) is New England's largest legal services organization. The Harvard Immigration and Refugee Clinic is a clinic based at Harvard Law School and at GBLS. The Women Refugees Project of the Harvard Law School Immigration and Refugee Clinical Program and Greater Boston Legal Services has worked with hundreds of women from around the world since its founding in 1992. It combines representation of individual women asylum applicants with the development of theories, policy and national advocacy. GBLS frequently works with clients who face one-year filing deadline issues, and has an interest in the proper application and development of U.S. asylum law so that claims for asylum protection receive fair and proper consideration under existing standards of law.

Since its founding in 1881, the central mission of the **Hebrew Immigrant Aid Society** (HIAS) has been to rescue Jews and others fleeing persecution and to assist them to start their lives anew in peace and security in the United States and elsewhere. In

fulfillment of this mission, HIAS maintained staff at Ellis Island to assist individuals through the immigration process, including representation in exclusion proceedings. More recently, HIAS attorneys and accredited representatives have provided legal representation to asylum seekers in Immigration Courts in the New York area, including at immigration detention facilities. HIAS has successfully represented numerous asylum seekers throughout the appellate process, up to and including the Federal Courts of Appeal. Through this experience HIAS has learned that there are many sound reasons – permitted within Congress’ exceptions to the one-year deadline for applicants to apply for asylum after arriving in the United States – as to why individuals who would face persecution in their home country do not apply for asylum during their first year in the U.S. HIAS also understands how – in this and other aspects of pursuing asylum claims – it can take several layers of review before adjudicator error on this issue is effectively addressed. Therefore, HIAS believes it is crucial that individuals fleeing persecution have the opportunity for judicial oversight of exceptions to the one-year deadline to file for asylum.

**Human Rights First** has worked since 1978 to protect and promote fundamental human rights. Human Rights First grounds its refugee protection work in the standards set forth in the 1951 Refugee Convention, its 1967 Protocol, and other international human rights instruments, and advocates adherence to these standards in U.S. law and policy. Human Rights First (previously known as the Lawyers Committee for Human Rights) also

operates one of the largest *pro bono* asylum legal representation programs in the country, providing free legal representation to indigent refugees in partnership with volunteer attorneys at law firms. Many of these refugee clients have been affected by the asylum filing deadline.

In the **Immigrant Rights Clinic at the University of Baltimore School of Law** students, under the supervision of faculty, represent low-income immigrants in Immigration Court, in Maryland District Court, and before the Department of Homeland Security U.S. Citizenship and Immigration Services. Students' caseloads are diverse, touching on many areas of immigration practice, including asylum law. Clients in the Immigrant Rights Clinic come from all over the world, including Africa, Asia, Europe, and Central and Latin America.

**Immigration Equality** is a national organization that works to end discrimination in U.S. immigration law, to reduce the negative impact of that law on the lives of lesbian, gay, bisexual, transgender (LGBT) and HIV-positive people, and to help obtain asylum for those persecuted in their home country based on their sexual orientation, transgender identity or HIV-status. Immigration Equality also runs a *pro bono* asylum program and provides technical assistance and advice to hundreds of attorneys nation-wide on sexual orientation, transgender and HIV- based asylum matters. Immigration Equality has provided trainings to asylum officers on asylum cases based on sexual

minority and HIV status and has co-authored the leading manual on preparing sexual orientation-based asylum claims.

The **Immigration Law Clinic of the Rogers College of Law, University of Arizona** provides students with the opportunity to gain hands-on experience with immigration law by providing services to immigrants in Southern Arizona. Its clients include asylum seekers detained in Eloy, Arizona, whom students, under attorney supervision, represent in removal proceedings. The Clinic has represented immigrants from countries including Vietnam, Libya, El Salvador, Guatemala, Cuba, Nepal, Thailand, Iraq, Syria, Cambodia, Laos, Korea, the Sudan, Uganda and Haiti. Students in the Clinic also provide advice and pro se assistance to non-detained respondents in removal proceedings, including asylum seekers. Such assistance, at times, includes completion of asylum applications. The one-year asylum application deadline and the exceptions thereto feature prominently among the issues the Clinic and its clients must confront in preparing and litigating their cases.

**Jubilee Campaign USA** is a Non Governmental Organization (NGO) that promotes human rights and religious liberties for ethnic and religious minorities throughout the world. Jubilee has been granted Consultative Status by the United Nations (UN) and participates annually in the United Nations Human Rights Caucus Session in Geneva, Switzerland, raising concerns of persecuted religious minorities and others from various parts of the world. Jubilee

undertakes advocacy and representation of refugee cases, particularly those fleeing religious based persecution.

The **Pennsylvania Immigration Resource Center** (PIRC) is a non-profit legal services organization founded in 1996. Located less than a mile from York County Prison, PIRC has become the leading source of legal services to immigrants detained by DHS in Pennsylvania. PIRC focuses on providing services to the most vulnerable immigrants in detention. Through the Detained Torture Survivors Project, PIRC provides direct legal assistance to detained torture survivors appearing before the Immigration Courts and federal courts of appeal in complex cases involving Convention Against Torture, Asylum, Cancellation of Removal, and Withholding of Removal claims.

**Physicians for Human Rights** (PHR) was founded in 1986 on the idea that health professionals, with their specialized skills, ethical duties, and credible voices, are uniquely positioned to investigate the health consequences of human rights violations and work to stop them. PHR mobilizes health professionals to advance health, dignity, and justice and promotes the right to health for all. The members of PHR's Asylum Network assist asylum seekers by conducting mental and physical evaluations to document the forensic evidence of abuse. Our clinicians also use their expertise to educate their colleagues and to inform public policy affecting refugees and asylum seekers. PHR is headquartered in Cambridge, Massachusetts, and maintains an

office in Washington, DC. It is a non-profit, non-sectarian organization funded through private foundations and by individual donors.

**Public Counsel** is the largest *pro bono* public interest law firm in the world. Founded in 1970, Public Counsel is dedicated to advancing equal justice under law by delivering free legal and social services to the most vulnerable members of our community. The Immigrants' Rights Project (IRP) provides legal representation to individuals seeking asylum in the United States based on past persecution or a well-founded fear of future persecution on account of political opinion, race, religion, nationality, or membership in a particular social group. IRP represents clients from all over the world for whom the U.S. is the last place of refuge and where return to their home country may mean death or torture. Depending on the procedural posture of a case, asylum applicants are provided representation in administrative trials before Immigration Judges, on appeal before the Board of Immigration Appeals, and before the U.S. Court of Appeals for the Ninth Circuit. In some cases, representation is provided in non-adversarial proceedings before the Department of Homeland Security.

Located in Falls Church, VA, and Houston, TX, the **Tahirih Justice Center** (Tahirih) is a non-profit organization offering free legal services to women and girls fleeing violent human rights abuses such as female genital mutilation, torture, rape, human trafficking, honor crimes, forced marriage, and

domestic violence. Since 1997, through direct services and referrals, Tahirih has assisted almost 10,000 women and children. Tahirih has represented clients in more than ninety gender-based asylum cases before the U.S. Citizenship and Immigration Services (USCIS) Asylum Office, the U.S. Immigration Courts of Arlington and Baltimore, the Board of Immigration Appeals (Board) and the U.S. Courts of Appeals. Building on the landmark case *Matter of Kasinga*, Tahirih is at the forefront of organizations using the refugee definition and the asylum process to protect women and girls fleeing gender-based persecution. In addition to direct services, Tahirih also engages in national public policy advocacy, working to pass laws, develop regulations, transform policies, and establish precedent so that systemic change will ensure the long-term protection of women and girls from violence. Many of Tahirih's asylum clients have been adversely impacted by the one-year filing deadline.

Additionally, the following law professors have joined as *amici* in their individual capacities as educators, clinical directors, researchers, authors and experts in asylum law and policy:

Deborah Anker

Clinical Professor of Law; Director, Harvard  
Immigration and Refugee Clinical Program  
Harvard Law School\*

Stacy Caplow

Professor of Law; Director, Clinical Education  
Program

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Brooklyn Law School\*

Michael J. Churgin  
Raybourne Thompson Centennial Professor  
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Alice Clapman  
Clinical Teaching Fellow, Center for Applied Legal  
Studies  
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Regina Germain  
Adjunct Professor of Law  
University of Denver, Sturm College of Law\*

Denise Gilman  
Clinical Professor of Law, Immigration Clinic  
University of Texas School of Law\*

Anjum Gupta  
Clinical Teaching Fellow, Center for Applied Legal  
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Georgetown Law\*

Dina Francesca Haynes  
Associate Professor of Law; Director, Immigration  
Project  
New England Law\*

Harvey Kaplan  
Adjunct Professor of Law

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Northeastern School of Law\*

Nancy Kelly

Clinical Instructor; Co-Managing Director, Harvard  
Immigration and Refugee Clinic at Greater Boston  
Legal Services

Harvard Law School\*

Beth Lyon

Associate Professor of Law

Villanova University School of Law\*

Elizabeth McCormick

Associate Clinical Professor of Law; Director,  
Immigrant Rights Project

University of Tulsa College of Law\*

Nancy Morawetz

Professor of Clinical Law

New York University School of Law\*

Hiroshi Motomura

Professor of Law

UCLA School of Law\*

Rachel E. Rosenbloom

Assistant Professor of Law

Northeastern University School of Law\*

Andrew Schoenholtz

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Visiting Professor of Law; Deputy Director, Institute  
for the Study of International Migration  
Georgetown University\*

Philip G. Schrag  
Professor of Law  
Georgetown University\*

Deborah S. Smith  
Adjunct Professor of Law  
University of Montana School of Law\*

Gemma Solimene  
Clinical Associate Professor of Law  
Fordham University School of Law\*

Shoba Sivaprasad Wadhia  
Clinical Professor of Law; Director, Center for  
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John Willshire-Carrera  
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\*affiliation provided for identification purposes only