

# **INSIDE FAMILY DETENTION: NOTES ON THE GROUND BY PENN STATE LAW CENTER FOR IMMIGRANTS' RIGHTS CLINIC**



From September 30 through October 4, Penn State Law Center for Immigrants' Rights Clinic served as advocates for families who are about to undergo their credible or reasonable fear interviews. Students will help families understand the purpose of the interview and help them feel comfortable sharing traumatic experiences. As practicable, clinic students will also be present during the interviews and assist with additional follow up.

Asylum is a process for people who fear return to their home country. Under the immigration statute, any person in the United States may apply for asylum. Asylum is not available to everyone, but to those who can show persecution by the government or a

group/persons the government is unable or unwilling to control because of race, religion, nationality, political opinion, or membership in a particular social group. Families who arrive in the United States without a “visa” or “permission” to enter, but who fear return must be referred to an asylum officer for a “credible fear” or “reasonable fear” interview with the asylum office. Many families detained at Berks are scheduled for a fear interview. Once a credible fear has been established, Berks families are generally released from immigration detention and scheduled for a hearing before a judge to apply for asylum and/or related protections.

The Clinic partnered with [ALDEA, The People’s Justice Center](#) to aid families detained in the Berks County Residential Center in Leesport, PA. Berks is one of three family detention centers in the United States. It houses mothers, fathers, and children who are being held in immigration custody. The mission of ALDEA – The People’s Justice Center is to provide a holistic approach to meeting the multi-faceted needs of our immigrant community members, including through legal, social, educational, and medical services. I am grateful to ALDEA for working with detained families at Berks every day and for sharing their wisdom and support while our team was on the ground.

As the Clinic’s director and a law professor, this trip was a new experience for me professionally. For most of the trip, my goal was to oversee the cases and families we met with, answer substantive questions by students on the ground and troubleshoot logistical or other hurdles we faced while at Berks. For the first two days, we were also joined by immigration attorney Juliette Gomez who works closely with my Clinic and played a special role while we were at Berks. My goal was for students to play the central role in interviewing parents and families and serving as advocates during their fear interviews. It was a humbling experience. I have traveled to many prisons and represented detained immigrants in a variety of settings but this was my first time in family detention and my first experience supervising in an emergency room setting. What follows are journal entries from my students. The entries are organized by day and also include a few anecdotes by me. They are largely unedited and hopefully capture a range of feelings and events -- memories and stories that we will never forget.

-Shoba Sivaprasad Wadhia

## ARRIVAL

**Entry by Chase (9/30):** In some ways I think we still don’t feel prepared. We spent two months getting everything ready, but none of us have ever done something like this before. Some things are impossible to prepare for without the benefit of experience. For some of us, I saw this anxiety in the way we packed. With less than a week of work ahead of us, there was a lot of stuff. I brought a small suitcase, along with a few other bags. I was

so unsure even about my clothing choices that I brought enough backup plans to stay all week.

I thought we might spend some of the drive going over plans for meeting with individuals in the detention center, or reviewing substantive law, or compiling questions. We really just spent the drive talking. I think that was better. It was relaxing just to be together. I'd say it was a highlight of the trip. The low point of the day was when I video called my son. He cried because he wanted me to pick him up. Usually I give him a bath every night and help my wife put him to sleep.

We met with ALDEA at a restaurant. Possibly the most disturbing thing we learned from the ALDEA team is that Berks has an on-the-books policy of going into the detainee's rooms and shining lights in their faces every 15 minutes during the night for "safety." This makes it very difficult for people to sleep, especially children. As a parent, words can't describe just how insane this policy sounds.

#### **Entry by Isa (9/30)**

I was really excited to start our journey. And the car ride with Meredith and Ellen was so much fun. We became closer, shared thoughts and expectations. All throughout my life I've been through different challenges that prepared me for any situation. I believe God has a purpose in my life and I am fulfilling it day by day by helping people in any possible way. Meredith and Ellen were amazing and took me to Popeye's (what a glorious moment when I had a fried chicken breast). We arrived to the hotel and went to meet the ALDEA Team and Mrs. Gomez for dinner. It was a great honor to meet Mrs. Gomez who I had work indirectly in clinic case long time back and then assisted Ellen. She is wonderful such a great Attorney and the way how she thinks out of the box case by case is amazing. I was so surprised that ALDEA team after dinner went to the detention center to see if there were any new family late night on Sunday night. I was really excited but a bit tired.

#### **Entry by Mark (9/30)**

I woke up at 9. My daily morning anxiety kicked in at 8:30, so the last 30 minutes of my already restless slumber were particularly unpleasant. It was okay though, because Nicole had the weekend off expecting to tailgate for the Ohio State game with her best friend, Shea. Shea, however, got a new job and had to cancel allowing Nicole to wake up early and join me for breakfast. As it turns out, 9:45 a.m. on the morning after the Whiteout game is not the best time to go to the Waffle Shop. Part of the reason we were so late was because I thought I had lost my wallet. Losing my wallet today would have been absolutely catastrophic because **today is the day we leave for Berks**. And what a shame

it would have been to have prepared for 2 ½ months only to be turned away at security for a lack of ID. Skip past packing, prepping, and puppies to dinner with the ALDEA team and Juliette Gomez.

We had dinner at night with ALDEA. I was on the ALDEA + Juliette Gomez + Professor Wadhia side of the table, so I missed the clinic conversation on the other end of the table. I thought Juliette Gomez handled herself expertly, balancing casual approachability with interesting professional anecdotes she really cemented my already high regard for her tonight. The same goes for the rest of the ALDEA team.

## DAY 1

**Entry by Professor Wadhia (10/1):** It was a full day today. I arose at 5:30am and started to get ready for our first day at Berks Family Residential Center. Over the course of the day we met with many families, some with children from age 2 to age 17. I was so proud to watch my students meet with families, sometimes for hours at a time to collect information about their lives and fears of returning home. The morning itself felt like several days and was followed by a trip to ALDEA where we met with one member of the legal team and dropped off three G-28s/Notice of Entrance of Appearances for three of the new families we met with. We met with more families in the afternoon and during this time learned that two fear interviews had been scheduled with asylum officers for the next day, October 2. We also played a good number of Uno games with the boys after school whose fathers were talking to students about their claims. Some of my students were able to get to the key elements of asylum: persecution, nexus and fear more quickly than others. Less than 12 hours' notice. After dinner (the jail closes from 5-6pm) we returned to prepare the two asylum seekers scheduled for interviews and also met with the sons of two fathers to see if they had independent claims to asylum. It was almost 8pm and in our legal visitation space was a sea of faces: fathers, teenage boys, wives and law students. At the end of the day, the fatigue was visible but so too were the connections... between a student and asylum seeker when preparing for a credible fear interview, between a child and student whose eyes were locked into one another and between the law students themselves. They were supportive of one another. We had a long debrief on Monday and reflected on the day while filling out the notes from our meetings with detainees at Berks.



### **Entry by Shanjida (10/1)**

We really hit the road running! Chase and I met with two different individuals today. It was so empowering to know that we are in a position where we can do so much good. However, on the flip side, it's very easy to feel inadequate or as if you're not doing enough. The worst feeling so far after our first day has been struggling to find nexus. To think about the consequences of not establishing nexus has been extremely overwhelming for me because I know that the potential consequence of that is deportation, and I felt an immense amount of guilt because of that. I know that there are certain things that are out of my control, but I can't help but feel partially responsible.

We interviewed and prepped a man who arrived a few days ago. He expressed a fear of returning home, and we interviewed him for an hour before we essentially gave up and decided that he did not have a fear based on a protected ground. However, Professor Wadhia suggested we take a step back and probe a little more, and this inspired me and Chase to ask some more in-depth questions. And when we did that, so much information came out of the interview that completely changed our perspective. We are currently trying

to find a particular social group that could be applicable to our client, but we are much more hopeful than we were before.

I am tired, overwhelmed, and frustrated, but I am so grateful to be a part of this incredible experience. I can't wait to see what else unfolds as the week goes by.

**Entry by Chase (10/1):** If I had had to use one word to describe the first couple of hours of today, it would be disoriented. We had some trouble finding the detention center. Turning onto the road for the detention center, there are three signs. One says "buses," another says "employees" (or something else that didn't apply to us), and one said "visitors."

Earlier in the morning, Professor Wadhia had made a few assignments for us to complete during the day. In the end, Shanjida and I were unable to complete our list. It took more time for us to get through interviews than we anticipated, and we were asked to meet unexpectedly with a woman who had been detained at an airport despite presenting herself and her two children with proper visas and passports. We learned a lot when we were talking to her. She had experienced a lot of terrible things in the past few years. Some of it was crime and violence, some of it was the result of natural disasters, and someone close to her had recently passed away. However, we ran out of time with her before we were able to establish any proper nexus. This, we learned, is often one of the most difficult things to draw out of a person's story. An asylum seeker who has nexus may nevertheless deflect attention away from the most relevant details, trying instead to impress upon us the generally dangerous conditions at home. Maybe they feel like questions about nexus challenge how dangerous the country is, as if they could be safe if only they could change or hide some detail about themselves.

With the next person we spoke to we were able to get closer to nexus by explaining more clearly the purpose of the interview, and the requirements for asylum. It can still be hard, though, to identify a clear PSG. Again, though, it took us a long time to eventually draw out some of the most important details for an asylum claim. Knowing that we only have a limited amount of time to be here helping, the most stressful part of preparing people for their credible fear interviews is feeling like we are spending too much time with each person. We were told going into this that we should have a clear idea what the nexus is within the first hour. So far, that hasn't been the case.

Being in the detention center is strange to process, but I think I am least comfortable when I am not interviewing someone. I worry about how long it takes us to do things.

This is a problem both because I want to accomplish as much as possible while we are here, and because constantly falling behind makes it hard to find any time to decompress.

Now that I have complained a bit, I will go over what went well today. The language was not nearly as much of a barrier as I feared. Not only was I able to understand the individuals we spoke with, but Shanjida was able to understand most of what was said in Spanish as well. This cut down on the amount of translation that needed to occur, and the flow of our discussion went very smoothly. There was also a feeling of tremendous success when we were finally able to start putting the pieces together on an individual's possible asylum claim.

Meeting with clients is a very serious matter. We try to be sensitive of the trauma they have experienced. We also want to show them we are professional, that they can trust us to help them. Sometimes, though, there are moments where we can smile with the detainees. They are often relieved just to be talking with someone who is friendly. While meeting with one father, we were discussing Particular Social Groups. When we asked him if there was anything about himself that made him distinct from others, he said, "I'm very nice, and I try to be honest."

#### **Entry by Ellen (10/1)**

Today was frustrating, between an incredibly sick child, the ever-elusive nexus, and a popped tire courtesy of Reading. To prepare myself psychologically for entering Berks, I had told myself over and over again that at least the families in Berks were together rather than separated. Still, it was so hard to sit with a young single father several years younger than myself and ask him questions about his fear of returning to his home country while his toddler daughter wailed, sick and scared. By the end of the morning, I could almost taste the cortisol pumping through my veins.

But we pushed through. My classmates have all worked so hard to prepare for this trip, and I know that hard work won't be for nothing. The anticipation of this trip has dominated my concerns for weeks now, but after the end of the first workday, I'm calmer. There's never enough time, never enough coffee, never enough nexus. But I am more convinced than ever that James is correct that true religion is caring for the most vulnerable.

#### **Entry by Kate (10/1)**

Today was overwhelming. I felt very anxious going into the day because I did not know how I would be able to meaningfully contribute, and I wanted to make sure that I did

everything possible to help these families. That is still my goal, but I am feeling less anxious and more level-headed.

The day started off tough. Mark and I met with a man who was dressed like a prisoner, but he was not a criminal. He was very kind and willing to tell us his story. As we spoke with him for longer, I became nervous that we would not be able to help him. After speaking with this man, I felt slightly defeated. I did not know what we could do for him.

Later in the day, we met with another man who was also very generous in sharing his story with us. However, I had similar worries about my ability to help this man. At one point during our meeting he thanked Mark and me for working with him, and I had to hold back tears. This man had a sincere fearing of returning home, and I was afraid his 'thank yous' were premature. This interview also left me feeling defeated.

However, that evening, we got the opportunity to speak with these two mens' children. I finally started to feel hopeful. They were able to tell us information that we needed to hear. While these interviews gave us valuable information, they were also very sad. The children were teenagers. Seeing kids in a detention center is hard and sad. It made me even more aware of how US immigration laws really only consider the numbers, and do not consider the people that are impacted by such laws. It also put a face to all of the news articles that I read about children in detention. I already found the policy of detaining kids disgusting. However, seeing it in person made it real, and it made me angry. The interests of these kids were not being served. One of the teens that Isa and I spoke with was obviously uncomfortable. He seemed scared, which makes sense. It was just really frustrating to see people who were not criminals locked up like prisoners. They left their homes to flee persecution, only to come to the US and be treated like a prisoner.

### **Entry by Meredith, (10/1)**

We met with a man and his daughter prepare him for his upcoming fear interview. I, along with Ellen and Isa, were alone with them in a small, cramped meeting room. The room had no windows and it was difficult to tell how much time was passing throughout the prep. He was nice and congenial, but he seemed to struggle with his daughter. She was hysterically crying and sick. We tried to soothe her with games, books, and snacks, but nothing seemed to help. I found it especially hard to watch how upset she became throughout the interview. I was a nanny before law school and I have always connected well with children. It's something I take pride in about myself. When his daughter looked at Ellen and I, she was afraid of us. I believe our language barrier and our unfamiliar appearances didn't help. I felt very helpless watching a teenage father struggle with his

traumatized child. When she was finally calmed, we met with him for almost three hours. He was forthcoming with his answers, but we had difficulties determining what his asylum claim entailed. There were multiple moments throughout the interview where we had to pause and talk amongst ourselves to determine what line of questioning to pursue. Occasionally, we struggled to translate legal theories and jargon into direct, understandable questions. In the end, I believe he was as prepared as he could be for his credible fear interview.

In the afternoon, I worked with one of the clinic's partnering attorneys, Juliette Gomez, to prepare another individual for their credible fear interview. This man, and his son had been in detention for a number of weeks. The son's arms were covered in welts where he had experienced an allergic reaction to the soap in the facility. We later learned that allergic reactions of this kind are common to the facility. Both the father and son spoke a rare language. During the interview, it struck me how isolating detention must be for them both. They can only speak to each other and are insulated by their language barrier from the rest of the detained community. In addition to that isolation, they are confused and moving through a legal process that is bewildering enough when it is explained in a language you can understand. On the first day of prep with the father, Juliette spoke with him in Spanish. It was clear that he did not understand many of our questions and he had difficulty explaining himself. Eventually, we were able to find a translator that spoke in his native language.

### **Entry by Isa 10/1**

Game on! I was not excited for waking up that early, but Meredith woke me up like a champ in the sweetest way ever. I know Mark had a personal concern about me waking up and being ready on time. After getting lost, we finally arrived to the facility and got ourselves check in. I have experienced going to different jails in Honduras and here in PA so I felt familiar with the weird feeling. No matter how much that facility looks like a high school, the environment and vibes the how much sorrow and pain is engraved in those walls. The guards were nice to the first day didn't feel any hostile attitude from them. Professor Wadhia called the first detainee a young boy with his 2-year-old daughter in his arms. It was heartbreaking to see that baby girl so sick her eyes were pink and running nose. Both of them were completely traumatized not just how difficult their journey was to cross the border. But also, being in the "Ice box" with not enough food, locked with many people and just a plastic bag as a blanket. Our client reached 5th grade he writes slowly and he said how they yelled at him when he had to sign forms. I can't imagine how would you feel as; 19-year-old, father of 2-year-old baby girl who fears persecution in his home country feeling like this is his only option. It felt a big responsibility as an advocate

prepping him wasn't easy. I was working in a great team and yes Meredith, Ellen and I felt frustrated at some point but we supported each other and kept working hard. I am really grateful and honored to work with them. Before lunch we learned that there was a family who needed to get prep for CFI. But no interpreters available till next day. I remember I have 2 friends one of them a current LLM who help us with the translation remotely. And we managed to do the CFI prep with Ellen we found Nexus and PSG smoothly. We came back to the hotel after dinner we debrief and then we had work to complete plus my midterm.

**Entry by Mark (10/1):**

"Today was insane." Wait, no. I just double-checked. "This trip is insane." I already knew this to be the case at 5:32 p.m. today and we haven't even had our first actual CFI. The quote above is the content of the text I sent Nicole as my daily update. Professor Wadhia's back right tire popped, and we noticed as we pulled into the Berks County Residential Center parking lot after lunch. Oh, and we can't take our presence in that parking lot for granted either because we pulled into two other ones before we found the one that wasn't a senior or re-entry center. You just can't plan for this stuff. Trust me, we tried. Our group's ability to balance adaptability with mode has really pulled us through this mire of madness.

With regards to the prep itself I found my time there to be a formative educational experience. I sincerely hope that the families shared at least a portion of that utility. Kate and I saw two asylum seeking men pre-CFI. (Kate is a saint, by the way, I spent breakfast printing documents so she served me breakfast). The first man was named A. A is a cheerful man. His smile was wide and energetic and he used it often. His skin was tanned and stretched taut and he was quite short in stature but had large hands for his size. Speaking to A was a distinct pleasure. He seemed to understand my questions in Spanish, despite his native tongue being indigenous.

## DAY 2

**Entry by Professor Wadhia (10/2):** Hit the day ground running following up with one asylum seeker, preparing another to withdraw admission to the United States and facing an early morning credible fear interview that ended short because of system malfunction in the interpreter. Imagine the fear interview with a law student, two interpreters and asylum officer and one asylum seeker. Before lunch, we were notified about four scheduled fear interviews for the next day. One of these interviews will be a "reasonable

fear” interview so only an attorney of record can be present during the interview. It is now the lunch hour on October 2 and I am standing outside a credible fear interview for one of the asylum seekers my students prepared yesterday. I played some tic tac toe with the asylum seeker’s child who is waiting with me outside and speaks a language I cannot speak or write in. He is not hungry to eat lunch and the only toys and games inside our room are coloring books and crayons. The legal rooms are spacious if you are seeing only 2-3 families at a time. There is a meeting area with a round table, two legal rooms with a door and speaker phone that doubles as the room for the actual fear interviews with asylum seekers and finally a small cubicle with a desk and crayons. There are more than 10 chairs in this space and they are mostly filled with students and families except during lunch time.



**Entry by Shanjida 10/2**

We had quite an interesting day today. However, things ran much more smoothly than yesterday. We were more comfortable in our roles as advocates, and it’s clear that all of us built a rapport with the individuals we met and interviewed yesterday.

Chase and I spoke to one individual who was very clearly experiencing persecution in his home country, and we established nexus very early on in our interview and prep session with him. This was quite a relief to us because we were struggling to do that with both of our clients yesterday. However, I had to take a step back and remind myself that our relief

stems from this individual's past suffering and his future fear of harm. How can I be relieved?! I felt very guilty. It was especially jarring for me to witness this grown man crying in front of me. There is something truly solemn about a man who loses his composure and breaks down that really illustrates how truly vulnerable the people we are working with are. This is something that I felt very unprepared and unequipped to deal with.

Another thing that majorly affected me was seeing a young boy, probably around 13 years old, sitting by himself with us while his mother was undergoing her Credible Fear Interview, probably describing some of the horrific abuse and persecution she experienced, things that a little boy should not hear about his mother. He was sitting quietly, twiddling his thumbs and looking clearly bored, nervous, and out of place, and the vast difference between his silent demeanor and our bustling room was quite visceral for me. It made me think about my little brother, and as we walked out of the facility for our lunch break, the little boy was still sitting in the room, waiting for his mother to finish her interview. I thought about the fact that I have the luxury of leaving this facility for lunch, but he doesn't. And I imagined my little brother having to be subjected to this type of detention. I couldn't hold back my tears when I imagined him sitting quietly in a room full of strangers, not being able to communicate or understand what anyone around him was saying. This was truly one of the most impactful and surreal moments of this trip. Children should never EVER be in detention.

**Entry by Chase (10/2):** This morning I woke up feeling less nervous about what the day had in store, but a lot more tired. I felt lucky later, when I learned that the clinic students in the other rooms had all stayed up late to unwind. I was probably among the most well-rested people I would meet all day, both from our legal team and from Berks itself.

Today we managed to accomplish everything that we originally set out to do. Or at least, we talked to each person we planned on talking to. There was a family we thought we might talk to tomorrow for the first time, but they were released.

Meeting with people was fairly emotional today. We saw a grown man cry, which isn't easy to prepare yourself for. His story was clearly painful to share, but he didn't want to take any breaks. Although we assured him we would not share his story with anyone outside ALDEA, he still asked if what he had told us about his treatment at the border would be brought up during his upcoming interview.

I think we had more time to unwind today. This was partly due to the fact that we did not go back to the detention center after dinner. Instead we met with the ALDEA team for dinner at a restaurant.

We met with a mother and her daughter in the evening. When we were going over Particular Social Groups, we asked again if there was anything about them that made them stand out in their society. The daughter seemed to understand what we meant, but said, jokingly, "We are both very beautiful." It was a sweet moment. It diffused some of the tension of the situation, and also showed genuine affection for the mother.

### **Entry by Kate (10/2)**

I felt optimistic in the morning. After talking to the two teenagers, I felt like they provided us with the necessary information that we needed to make a stronger claim.

Because we were feeling better about upcoming prep sessions, we met with another individual to help him prepare. This man was very nervous, and he seemed very uncomfortable speaking with us. This was our first prep with an interpreter, and this took me a little bit of time to adjust. However, I thought we adapted very well to working with an interpreter. This interview was difficult though because the man was incredibly uncomfortable and nervous and maybe even scared. Unfortunately, as we were starting to get more information from him, he had to leave because his child had a medical emergency. This was frustrating because I felt like we were getting somewhere, and now we have to reschedule an interview with an interpreter before a CFI is scheduled. I am just nervous that we will not be able to finish or prep before a CFI is scheduled and this man and his child may not get the help they need before the interview.

Our follow-up interview in the afternoon also really frazzled me. I was really nervous that we would not be able to find nexus or a protected ground. The man and his child were insistent that they were not discriminated against based on their identity, even though it seemed very apparent that this was the case. At the end of the interview the father thanked Mark and I and told us he was very grateful for us, and I had to stare up at the ceiling light to hold back tears. I felt like I had not helped him in any meaningful way, and I felt like I let him down. I was scared that I had given him false hope and disappointed him. Once he and his son left the room, I broke out into tears. I was glad I held it together while they were in the room, but I was really embarrassed that Mark saw me crying. I also felt ashamed that I cried because I let my emotions get the best of me. This was probably the most difficult part of the visit so far.

### **Entry by Ellen (10/2)**

Today was my first CFI. Fortunately, I had Isa by my side. Our asylum officer seemed almost insulted that we were mere law students rather than full-fledged lawyers, but I figured that my quoting the regulation to her would backfire for the applicant, so I called for Professor Wadhia.

After Professor Wadhia smoothly explained that current regulations allow law students to serve as advocates during CFIs, the officer snapped, “I’m familiar with the reg.”

(I must admit that it took a lot of restraint to refrain from retorting, “Are you sure about that, ma’am?”)

I was afraid to interrupt after that, terrified of giving the AO any more reasons to dislike us, but Isa was fearless. She had to remind the AO to tell the applicants, for instance, that they could put their right hands down after swearing their oaths. Isa and I asked our clarifying questions at the end, and I made the closing statement. After our rocky start, the AO was reasonable and even told us that she had all the information she needed to decide. All in all, despite a few surprises throughout the interview, I thought the CFI went rather well—even if I wished I had a lunch break.

However, immediately after our CFI, Professor Wadhia pulled Isa and me outside to take a 5-minute break and to tell us that apparently there had been some sort of miscommunication with the applicant: One of the other detainees had approached Professor Wadhia early in the morning and told her that the applicant had thought that her CFI was the day before during the CFI prep. Isa and I were shocked for several reasons, the primary of which being that (1) we thought that we had clearly established that we were not from the government and (2) we thought that we had a connection with the applicant.

I guess it goes to show that the folks in immigration detention are often scared and confused to an extreme degree. I mean, can you imagine fleeing your home country because you’re terrified for yourself and your children, only to be taken into custody by people who don’t speak your language? People in detention in places where they speak the language often don’t understand exactly what’s happening. How much more aggravated is that confusion and fear when you don’t know the language of the people detaining you?

(Looking back on it, I remember when one of my friends was accosted by a French police officer. When she tried to ask the officer what was going on, the officer pretended that she couldn't understand my friend and increased the fine she was trying to impose on my friend. If I hadn't challenged her in French, the officer would've continued shaking my friend down. Suddenly, the officer realized that someone saw what she was trying to do, and what do you know? The fine returned to its original level. *Quelle surprise.*)

Interestingly enough, during that 5-minute window while Professor Wadhia was outside the facility, a guard approached the rest of my classmates and told them that if they weren't actively meeting with any detainees, they couldn't use the attorney rooms as an office space. It should be noted that my classmates were indeed trying to meet with detainees, but the people they needed were held up, for instance, in medical, so my classmates were waiting for people they were about to prep.

On another note, Ms. Gomez and I have encountered an interesting professional responsibility question, and I'm not sure that there's an easy answer to it. Hopefully, we can come to a solution that helps everyone. Getting to know Ms. Gomez in person after working with her for the past year via email and phone has been an absolute delight and one of the highlights of the trip for me.

#### **Entry by Meredith (10/2)**

On the second day, we arrived at the facility at 8:20 AM. A credible fear interview was scheduled for 8:30 AM that morning. Juliette and I planned to sit in on his credible fear interview as his counsel. When we arrived, the individual was clearly nervous. Before the interview started, Juliette attempted to run through the most important parts of his case, but were cut off by the guard coming in to start the interview. The interview itself began with the asylum officer patching in two translators to the call. The interview would run through two lines of translation – from English to Spanish and the Spanish to Rare Language and back again. It was mind boggling to watch happen. This mode of translation would add significant time to the interview. It was hard for me to not worry about the individuals meaning being lost through so many rounds of translation. At the time, I worried the asylum officer would not truly understand what the individual was trying to say. The call with the translator's disconnected shortly after the interview began. The interview was cancelled and rescheduled for the following day.

Later that day, Isa and I interviewed the son alone. We wanted to prepare him in case the Asylum Officer wanted to ask him any questions concerning his father's asylum claim. He was very shy at first, but once we began talking he really blossomed. We plied him with

fruit snacks and cheese-its. In addition to the questions we had to ask him to prepare for his interview, we also talked about his experience at the detention center and his friends there. Despite the obvious negative connotations of his current situation, he seemed okay. He said he had made friends and that he enjoyed school.

**Entry by Isa 10/2:** We had a CFI with the Family we prepped. The Asylum Officer was so rude she didn't want Ellen and me (Law students) to be in the CFI. But Professor Wadhia came to the rescue (like Wonder Woman) and introduced herself and cited the regulation that not every advocate must be a lawyer. And then she wasn't glad but agreed. It wasn't the best way to start a CFI interview more when your client doesn't understand what's happening. I felt the most important role we had of course besides advocating was to give our client security that we were there. And I think Ellen and I did a great job with that despite how we felt we could see our client was relying on us. I had to interrupt the Asylum Officer many times, and I must say the first one was the most difficult one. The interview went on for around 2 hours. PSG and Nexus were proven at the very beginning of the interview. The CFI prep with this client specifically was very effective. It was emotional because she had to relive traumatizing experiences not just her but her son. I think the more we interacted during the CFI, the more respect we were getting from the Asylum Officer. And Ellen was great; she was spotless in her closing statement. Professor Wadhia stayed there without having lunch, waiting for us, and she took both of us out for a 5-minute break outside. The surprise was when we came back in and the guards were asking why our classmates were alone without a supervisor. Then is when I started to feel a little bit of hostility by the guards. Throughout the day, it was my pleasure to help the other teams interview their clients. I felt very flattered every time I had the honor to help them because I felt useful and reliable. This day I also, with Ellen and Mrs. Gomez, followed up on a withdrawal of admission case. It was very emotional for me to see someone detained who wants to go immediately back to her home country. I also helped Meredith with CFI prep in an Indigenous language.

**Entry by Mark (10/2):** Today was a difficult day. We met with a newly detained man of Indigenous descent. M spoke very limited Spanish so we had an interpreter scheduled for the morning. The interview did not go very well for a few different reasons. First, M seemed timid and unwilling to be forthcoming. We explained to him, through the interpreter, that our communications were confidential. We told him that we were not working for the government. We assured him that we were there only to help him. However, his demeanor remained closed. Hunched shoulders and eternally downward-gazing eyes. The reasons he saw fit to share with us for coming to the U.S. were not the

ones that our government would protect him for. He was not afraid to return to his country. He made that clear. He just wanted to find work, he said.

So, to recap the reasons this was not going well: 1) he was withdrawn, 2) his story for coming to the U.S. did not help us to establish nexus. The third reason the interview went poorly is preceded by one silver lining. M had (kind of) admitted to us that indigenous men from his country who did not speak Spanish had a harder time finding work, and he himself had been the subject of insult before Ladinos. Soon after this revelation, he was pulled from the interviewing room to attend to his daughter, who had fallen ill and was being treated in medical. Before he left, we quickly explained that we would like to talk more another time. We abruptly hung up on the interpreter, who had been very helpful. M was definitely a rough one.

Later in the day we met again with A. We had heard from someone in ALDEA or the Clinic that he was excited to speak with us because he had something to share with us. So, when we met with him in the afternoon we knew to expect something, but we didn't know what.

I was concerned and shaken at the end of the day. I slept restlessly.

## DAY 3

**Entry by Professor Wadhia (10/3)** We started the day with three fear interviews in three different rooms at Berks. The families came down at 8:20am. Within minutes of one interview the asylum office was unable to find an interpreter to speak the best language of one father and his son. It is remarkable how many different languages are spoken by detainees in a facility based in rural Pennsylvania and the roadblocks that come with scheduling and proceeding with a fear interview. Speaking of roadblocks, today was full of them. At one point, minutes after completing nearly three hours of fear interviews we were asked to leave the facility. Two of my students had just entered a room with clients for our fourth fear interview but I was unable to stay in the meeting room space outside the room where the fear interview was being conducted. So, the rest of the clinic team and I left the facility for about two hours and worked in the lobby in our hotel which is close to Berks. I returned to Berks at about 1:20pm nearly two hours from the time our fourth interview started by the interview continued. I could hear the asylum officer clearly from outside the door and sometimes he sounded like he was shouting. The officer

was asking my student to conduct parts of the interview and I could see this was a challenging but good experience for my student. We spent two more shifts at the facility one from 2-5pm and another from 6:15pm to 8:00pm. During these shifts we learned that two new families had been admitted to Berks the night before so we met with them. We also learned that one of our Spanish speaking families was scheduled for a credible fear interview for the next morning and another rare language speaker's interview was rescheduled because of the lack of availability of an interpreter that morning. There was a lot to do and the students worked hard to achieve the goals of next several hours. One team prepared the Spanish speaking family for about three hours. I scrambled to get rare language interpreters for the new families so we could meet with them in the evening. After 8:00pm, when legal visitation ends we returned to the hotel and worked until close to midnight over Chinese food and reflection in my hotel room. We worked on our notes from the day, proposed closing statement for the following day along with more light-hearted conversations and even laughter.

**Entry by Shanjida 10/3:** I sat in on a CFI with Meredith this morning at 8:30am with a detainee, and I felt quite nervous because I did not conduct the prep for the CFI for him. I felt like I didn't have much control over anything. When the Asylum Officer and interpreter came on the phone and began the interview, Meredith and I began to realize how limited our role would be during the CFI. We tried to interrupt once while the CFI was going on, but the AO told us that we'd have a moment at the end to ask clarifying questions. There were many instances during the CFI where Meredith and I would look at each other in frustration because our client was not mentioning crucial elements of his case. Throughout the CFI, Meredith and I were passing notes to each other expressing this frustration. For this reason, we really doubt that the AO will decide that our client has a credible fear of return. At the end of the interview when we were able to ask some clarifying questions, the answer we received from our client seemed to sway the AO a bit; she said 'ohhh...' in response to the answer to the question. However, we still feel that it is not very likely that he will be found to have credible fear. I felt so helpless, but I needed to tell myself that there was nothing I can do in a situation like this.

About a half hour after my CFI Professor Wadhia's RFI ended, Mark and Kate had a CFI. At that point, everyone else was working on notes for their cases. Leaving the facility that day was a surreal horrible experience because it really showed us that we have very limited control over everything happening around us.

We returned to the facility after dinner, and Chase and I met with the first client we spoke to on Monday because her CFI was scheduled for 8:30am tomorrow. We had decided that

based on everything she told us, there was no nexus. However, as we prepped her this time, so many details emerged that made us completely change the way we thought about her and her story. We had some suspicions that she was perhaps not being completely honest, and we felt as though would probably be wasting our time if we prepped her. But boy are we glad to be wrong! Our prep lasted for a couple of hours, and by the end we felt confident that there was a compelling story that sufficiently established credible fear and nexus. This was a clear testament of the fact that we as law students are here as advocates, not as judges. Our job is to hear people's stories and help them, not judge their credibility. The people who are detained here have suffered so much, and just by virtue of being detained, they have had their stories invalidated time and time again. As advocates, we CANNOT contribute to this cycle of torment. As advocates, we must advocate! We are not here to doubt anyone. And more importantly, this experience has reiterated to me that people are multifaceted. It is impossible and unwise to make judgments about someone's story and credibility after only one conversation. Ironically, this is exactly how the CFI process works.

**Entry by Chase Crowley (10/3):** People keep asking me how I'm doing. I think I'm doing fine, but I'm just tired. Once again, I was probably the most well-rested person on our team. Emotionally, though I feel fine.

This morning Isa and I met with a father and his son who had a CFI scheduled later in the morning. We were worried, because Mark and Kate (who were in another CFI) had spent a lot of time with them already, but were still unable to find nexus. It was difficult to draw out significant details. Our nexus finally came about, almost in passing, and changed everything about the case. We were able to identify specific reasons why they were being targeted by gangs. The father and son, however, had previously been much more concerned with impressing on us just how dangerous the country was for everyone.

There was a family we had met with already twice before for prep who was scheduled for an interview tomorrow morning. We decided we had to meet with them yet again, because despite the long hours we had spent previously, we had yet to identify any nexus whatsoever. Personally, I had my doubts that the family was being completely honest with us. Shanjida did not share these doubts. Still, we call the family down again. I'm so glad we did. Everything opened up in that meeting. There was a lot of nexus, both for the mother and for the children, who may have had their own separate claims. In total we had probably spent five hours preparing them for their CFI, but we felt like it had made a huge difference. For what it's worth, my doubts about their honesty also vanished. Like with others we met with, I noticed that the individuals, who did not know about asylum law, thought that we would be much more interested in the general danger of living in

their home countries. They are not fixated on the specific characteristics that make them targets of persecution.

### **Entry by Ellen (10/3)**

I spent my morning as Professor Wadhia's waitressing understudy since she was in an RFI. My classmates had plenty of CFIs to observe, so I worked on a project for one of the other detainees. (Interestingly, even after Ms. Gomez had told her all the options available to her, the detainee still just wanted to return home, even though she was terrified of her home country. There was no doubt in her mind that being back in a country that persecuted her was preferable to being detained in a center that resembles a public high school from a dystopian YA novel.)

After the initial CFIs and RFI, though, one guard came into the attorney rooms, apparently on a mission. After peeking inside the meeting rooms, she abruptly left. I thought it was odd, but I continued to work. A short while later, a woman I'd never seen before arrived and asked for Professor Wadhia. ... Professor Wadhia rejoined us and told us to pack our things while she called for Mark to explain the situation. The look on his face when Professor Wadhia said that she wasn't going to be able to be present for the CFI devastated me. I felt sick, knowing that Kate and Mark were on their own for an interview that they were so nervous about. I gave them a Kind bar that I kept with me, just in case, and I prayed that everything would go smoothly for them. The rest of us left as quickly and politely as we could and returned to the hotel to regroup.

I was more shaken up than I'd care to admit: I've always been a rule-follower, to a fault. The idea of someone throwing me out of a place because I've broken some rule is anathema to me. I guess that's a good quality in a future lawyer, but I've always believed that you catch more flies with honey than with vinegar, and I do genuinely try to treat everyone with kindness and respect.

And aren't we all on the same side here? The facility's job is to care for the people in its custody, and we're trying to help those people through the procedures that they have to undergo as efficiently and effectively as possible. The hostility with which we were treated this morning was completely uncalled for: all it did was make me feel like I'm seen as an adversary rather than as an advocate.

After we got kicked out, though, I realized something: throwing me out was the worst thing they could do to me. I'm a native-born US citizen, so it's not like they could detain me there, and they couldn't keep me from doing my job to the best of my ability while in

the facility. So, when we finally returned after Mark and Kate's CFI and a quick lunch break, I jumped back into CFI prep mode, and Isa and I began dealing with two new families who had arrived the day before.

(The hostility vanished with a new shift of guards, too. I want to believe that maybe the first shift was just particularly cranky, but the willfully arbitrary and almost purposefully insignificant exercise of power over people who are just trying to help detainees still rubs me the wrong way.)

Also, the applicant whose CFI Isa and I had observed was meeting with another attorney that day. She apparently believed that the attorney was from Immigration and was terrified, but Professor Wadhia clarified the situation. I could see the relief on the applicant's face when Professor Wadhia explained that the person was not from Immigration. She had been utterly terrified, and realizing that she had been mistaken had her almost in tears of relief. Again, this poor applicant illustrated that detainees like her need clear communication in their own languages: detention is confusing enough without those of us who are trying to help detainees causing them even more fear.

### **Entry by Kate (10/3)**

I woke up feeling incredibly anxious because Mark and I had two back to back CFIs, and I didn't feel like the families were prepared enough for the interviews. We had planned for Chase and Isa to speak with the family that had an 11:30 CFI while we were with the other family in their 8:30 CFI. I was very grateful for their help. We felt that both of these families had legitimate fears and should not be forced to return to their home countries. They expressed to us how scared they were, but we were really nervous that their fears did not rise to the level required for a credible fear determination.

When it was time for the 8:30 CFI, we sat in the room with the family while the Berks employee got the Asylum Officer on the line. Waiting for all of this to happen made me feel even more anxious. It felt similar to how I feel before I take a final exam. The minutes leading up to the exam cause me more stress, and I just want to take the exam. But this was different from an exam because these were real people facing real consequences. It was not just about me potentially receiving a bad grade. It was about two people who did not want to return to their home country because people had threatened their lives and physically assaulted them. After the Berks employee connected us with the AO, we waited for about ten more minutes. We did not have an interpreter yet. Because this was our first CFI, we did not realize that this was a pretty standard wait time, so I asked the Berks employee why there was no interpreter just yet. He told me that was normal, and we

would just have to wait. The waiting kept adding to my anxiety, and I am sure that the family was also anxious while they sat there. We could not speak to them before the interview because they did not speak Spanish well or English at all, so we sat in mostly uncomfortable silence. I could tell that they were nervous, and I tried to pretend like I was not nervous. They did not need another reason to be nervous. Today was about them, and I did not need to make them more anxious or scared than they already were. We waited for about another ten minutes when the AO told us that they could not find an interpreter for the family, and the CFI had to be rescheduled. This was a huge relief for me. I do not know if the family felt the same way. They seemed confused, but Mark told them in Spanish that it would be rescheduled. I was grateful because this meant we had more time to prepare, and we felt that the family really needed more prep.

After the interview was cancelled, Mark, Isa, and Chase helped prepare the family for our 11:30 prep. I researched what to do when a CFI is cancelled. I was really hoping that they would not find an interpreter within 48 hours because I really wanted this family to be released from detention. But I was also nervous if they would be able to find legal counsel if they left facility and went to stay with their sponsor. I also researched country conditions reports for this family during this time. I needed to prove that internal relocation was not possible and that the government was unable and unwilling to protect this family. I felt productive during this time, but I was also anxious thinking about the 11:30 CFI.

Once it was time for the 11:30 CFI, I felt more prepared. We did not have the uncomfortable silence while we waited for the interpreter because this family spoke Spanish, and Mark could talk to them. They seemed grateful that they could talk to somebody in their language, and they seemed grateful that this person was on their side. Watching the comfort that they felt with Mark was really great to see because they have probably had very few pleasant experiences with Americans since they arrived. I think that they were less comfortable with me, but I was anticipating that. I could not speak their language, and I looked like a lot of the guards in the detention center. After waiting for about ten to fifteen minutes, an interpreter came on the line, and the interview began. This AO made me very nervous. He was short with the interpreter and with the family. He raised his voice several times, and I was worried the family would think he was yelling at them or they were in trouble. There were times that he would say "come on, man" when it seemed like the father was not understanding the questions he would ask. I don't think the interpreter translated this for the family, but it felt disrespectful and really bothered me. The CFI is not supposed to be an adversarial process, and I did not want the family to feel like they were in trouble or doing something wrong. Throughout the

interview the teenager would kiss the cross on his rosary. I am not a religious person, but I remember thinking “I hope there is a God who will answer his prayers.” Seeing a teenage boy praying to God during the CFI really made me aware of how scared he was to return to his home country. The CFI did not go how I thought it would. The AO was surprisingly generous to Mark and me. I was taking notes, and Mark was doing most of the advocacy work. There were times when we both asked questions to the family during the interview, but Mark asked the most. The AO even told Mark questions to ask the family. I was not expecting this, and I think we were both kind of thrown by this. It was our first ever CFI, and more was being asked of us than we had anticipated. Mark handled this all very well, and I think he was able to ask questions that needed to be posed. I think the son may have had a better claim than the father, but I am hopeful that a credible fear determination for the son will allow both of them to be released.

Following this interview, I was exhausted. I did not really want to talk to anybody. I just wanted to eat and sleep. But, I did talk to people, and it was helpful. Our professor asked us questions that helped me process what had just happened. It also made me feel more hopeful for the prospects of these two people. I was very grateful to have everyone in the Clinic around me after the interview because they could empathize with how I was feeling, and these are all people, who after a few days together, I felt very close to and comfortable with.

When we returned from lunch, we met with the family whose CFI had been cancelled that morning. I felt better after this final prep. I did not leave the facility that night with the same kind of anxiety I had the night before.

### **Entry by Meredith (10/3)**

On the third day, Shanjida and I sat in on the credible fear interview for the rare language speaking father and son. It was quite an experience. From the very beginning of the interview, I was terrified. We were responsible for ensuring this man’s rights to a thorough and complete interview. The asylum officer was pleasant enough, but seemed easily frustrated. She made frustrated noises throughout the interview – especially when there was confusion regarding translation. This interview required a rare language interpretation, but was thankfully only from Rare Language to English. There was no need for a Spanish intermediary this time.

At the very beginning of the interview, the asylum officer misinterpreted a key piece of information regarding this individual’s asylum claim. This fact was the most important fact that we needed to establish for this individual’s claim. I’m not sure if it was a

misunderstanding on the part of the individual or the translator, but Shanjida and I knew we had to correct this misunderstanding in order for these individuals claim to even have a chance of success. We attempted to interrupt and clarify, politely of course, but the asylum officer wouldn't allow it. She explained to us that interrupting was not "how these things worked" and that if we wanted to interject, it would have to wait until the end.

We were panicked. If this fact wasn't corrected at the beginning of the interview, the asylum officer would fail to pursue the line of questioning we needed. I felt helpless. I had spent hours with Juliette attempting to formulate a coherent, legal reason as to why this individual qualified for asylum. Now, because of one misinterpreted statement, a successful interview was becoming less and less likely. When Shanjida and I attempted to interrupt, the asylum officer scolded us like children. It was embarrassing, but I won't apologize for trying to advocate for someone who needed it. We were allowed to ask clarifying questions at the end of the interview. Our questions did clarify the confusion and the asylum officer seemed to recognize the importance of the fact. I worry that it wasn't enough.

Altogether, our trip to Berks was indescribable. It was invigorating to meet with these individuals and apply all of the knowledge that we have acquired over the course of this semester. At the same time, it was heartbreaking to see the human effects of outdated laws and policies. This trip has brought me closer with the individual members of the clinic and given me skills I will use for the rest of my legal career. For the first time, I feel like I have done what I came to law school to do – advocate for someone in need.

### **Entry by Isa (10/3)**

The first thing I did when we reached the detention center was a sign that said: Are you or someone you know Feeling sad, mistreated or depressed? If so contact someone in Administration. And I kept thinking about this throughout the day. We were feeling exhausted we were all working together till 12:30 and barely slept. And we had a day full of CFI's for Mark's and Kate's team. In the morning I helped prep a family whose CFI was schedule for next day. And this CFI prep at one point I did felt stocked, so I had to stop for a while and start all over again. It was great to have Kate, Mark and Chase because while I'll asked a question they could think on the next one. And it ended up because a great Prep. While Mark and Kate were in the CFI ... I could just imagine if that was the way they treated us how the detainees are being treated when we are not around. And I remember the sign imagine if the only person you have to complain are the reason why are you feeling like and the ones in charge of the facility.

We waited for Mark and Kate in the Detention center parking lot. I was dead tired I slept inside Chase's van I am sure Professor Wadhia saw me drooling. We came back to the facility and I helped Shanjida's and Chase client who I immediately created a strong bond. I think I should get better in separating emotions from what I am doing or at least come up with a balance because that's what makes me passionate. They fear persecution in their home country had been mistreated, but still they had the biggest smile on their face. Hearing from a 10 years old boy I am scared of being kidnapped and killed and say I want to study and be a professional was so emotional for me. This interview made me re-evaluate my purpose as a professional. Later that night 2 other families arrived. I tried to get an interpreter but she wasn't available so I called a friend of mine attorney also who works in Geneva. It was 1:00 am in Geneva and he helped us being our interpreter. First, we had to talk to our first client and ask her who did she had an interview with and clarify that was not with ICE. And then prep a Family in 40 minutes which was a challenge. Not because of the family but the amount of questions we had to cover. I am so thankful for Ellen. When we went back to the hotel had dinner and work and then complete my other midterm.

**Entry by Mark (10/3):** I think it's fair to say that today was defined by a pattern of cyclical emotions. Dread → Focus → Relief → Repeat. The apprehension I went to sleep with the night before had morphed somewhat into positive nervous energy. I was electrified. We had our first CFI scheduled for 8:30 a.m. for A. I woke up very early, before my alarm went off. We have never felt entirely confident about A's case. Our efforts to establish nexus had been stonewalled by the applicants themselves who refused to admit or concede even in some small degree that the harm they suffered could be tied to their indigenous identities.

So, as I prepared that morning I began to feel the dread of being present in an interview where the applicants gave answers that would make it very difficult for an AO to give them a positive credible fear finding. This dread began morphing into focus as we worked on making the closing statement as airtight as it could be. But it was all so uncertain.

When we got to the interviewing room and I began to focus on the questions I would ask and how I could amend and restructure my closing statement. I cannot tell you how **RELIEVED** I felt when the AO could not find a rare language interpreter and rescheduled the interview for an undetermined date and time. The time between the guard calling the AO and the AO finally rescheduling was a solid 15-minute block of silence with the applicants. I did not dare make any small talk with the applicants for fear that the AO

could hear us. Especially considering the changing stories of A, I could not bring myself to review anything with him at that moment.

The relief I felt compounded when I saw Isa and Chase helping with our other applicants whose CFI was scheduled at 11:30 a.m. that same morning. Isa is like the clinic's special forces. When a story isn't coming together and nexus seems to be nothing but a daydream, Isa comes in and gets the details that were always there, but that the applicant never thought to be relevant. We discovered a lot about our 11:30 a.m. CFI that we did not know even hours before. It was such a stroke of luck that there was no rare language interpreter available at 8:30 a.m. on a Wednesday morning.

The dread began creeping up the closer it got to 11:30 a.m. But, with the help of Isa, Chase, and Kate my thoughts became more focused as we constructed a nexus for the father.

The interview was full of surprises. I was surprised by how well our applicants answered the AO's questions. I was surprised by how terse and snappy the AO could be. I was surprised by the level of engagement the AO allowed from Kate and me. I was also surprised to hear that our clinic team had been ousted from the facility by ICE! However, even with all of these completely unexpected happenstances, I think my biggest surprise was an emotional reaction I had during the interview. I noticed about halfway through that the teenage son was clutching a rosary in his hands. He would often hold the cross between his forefinger and his thumb and raise it to his mouth to kiss. Something about the gesture provoked an emotional response from me. I felt the surge of tears at least once during the interview, and as I think back on the memory the tears kind of return. I was and am surprised by this because I had not had really any emotional responses during the week, and I am not religious even in the slightest.

By the time I gave my closing statement I felt relief at the fact that it was finally over. But even more relief that this family, who I did not think had any chance at even establishing nexus on Tuesday, had their chance today, and it was a good one.

## DAY 4

**Entry by Professor Wadhia (10/4)** An early morning, a sore throat and check out. Two 8:30am interviews - both credible fear interviews. My students are participating as advocates in these interviews as I write this. Other students are preparing a father,

mother and child for a future credible fear interview. Our day will end with a third meeting with a young Spanish speaking boy/son of a father and a relatively new inmate who needs a rare language interpreter.

**Entry by Shanjida 10/4:** Our client had a CFI at 8:30am today, and although the interview headed in a direction that we did not quite anticipate, it went very well. We thought that her children would be questioned more, but the interview was almost exclusively about her. When we tried to ask a clarifying question at the end to her children, the asylum officer told us that our client had a strong enough story that the AO did not need to ask questions to her children.

To go from thinking that our client had no credible fear/nexus to thinking that she may actually pass her CFI was jarring and quite an eye opener. At the end of the interview, our client gave me a huge hug and thanked me and Chase profusely. She left with tears of gratitude in her eyes, and I tried to maintain my composure. I was able to do so until our client left, and I rushed to the restroom to regain my composure.

Later as we left the detention center for the final time, Chase, Mark, Kate, and I talked about how relieved and happy we were to be leaving today and not Tuesday, which was probably the lowest we felt during our trip. On Tuesday, we left the facility feeling convinced that the people we were prepping would 100% fail their CFI's. Today, we left optimistic, with a renewed sense of hope.

During lunch, Professor Wadhia asked us how we would describe our week when our friends and family ask us how our trip was, and we found it quite difficult to answer that question. We knew that nobody but ourselves would understand the subtleties and nuances of this trip. And even we are still processing the magnitude of what we have experienced.

Beyond our experiences in the actual detention center, we as a group became very close to each. This, I think, was inevitable given the emotional nature of the work we were doing, but I feel so grateful to have met and worked with everyone from the Clinic. Every single person cares immensely about the people we were meeting with and immigrants' rights in general, and we really fed off of each other's energy. I am inspired by each and every person on our team.

The car ride back to State College was both productive and fun. It was productive because we were able to debrief about our cases and complete our case notes. It is always helpful to

hear other's opinion – we are truly a collaborative group. The last half of the car ride was fun because it consisted of us goofing off and performing 90's hits for each other. And the lighthearted nature of this part of our journey allowed us to decompress and feel excited about going back to our normal lives.

As soon as we reached State College, I saw that Professor Wadhia had emailed us to let us know that two families were scheduled to have their CFI and RFI Friday morning. Both of these families were families Chase and I worked with. I told Professor Wadhia that I would be more than happy to be the counselor during the CFI, so as soon as I reached my apartment, I knew that I had my work cut out for me. I had to prepare the CFI and RFI notes + closing statements for both cases. This made me realize that although we left the detention center, our immigration advocacy has not ended. It is continuing and it will continue.

**Entry by Chase 10/4:** The CFI we had spent so many hours preparing for was this morning. It went amazingly well. The asylum officer was very nice. I felt like it would be okay to interrupt, if necessary. That necessity arose almost immediately. There was a major issue with the interpretation almost as soon as the asylum questions started. I attempted to interject, to say there was an issue, but the asylum officer said she did not want me to intervene yet, she wanted to continue the current thread with the interpreter. Still, they did double back a bit, and realized there were significant details they had misunderstood.

As the CFI went on, there were other problems with interpretation. I did not usually say anything. I took note, or prepared a clarifying question for later, and waited to see if the details would work themselves out quickly. In the end, all the right details were conveyed. I only interrupted on one other occasion. The interesting thing to me, having studied translation and interpretation, is that the interpreter was clearly more proficient in Spanish than I am. Some issues were not the interpreter's fault. The individual being interviewed tended to say a lot before giving the interpreter a chance to repeat anything. The interpreter found herself summarizing what was said a lot. The interpreter, who was also probably not an immigration lawyer, had the same problem as most of the people we prepped for CFIs. To her, the important details tended to be the generally dangerous conditions of the home country. A threat of death was inherently more interesting to her than the reason behind the threat. She often did not realize that a more personal detail the individual had mentioned was really the crucial point, and so would not repeat this detail back to the officer. It would then take more digging for the officer to uncover these details, even though the individual had shared them earlier in her testimony.

At the end of the interview, I wished to direct clarifying questions towards the children to establish their separate claim. The officer told me I did not need to do so, because the mother's testimony already had sufficient detail. She suggested that the claim was already strong enough. This was, to us, very good news. It made all the time we had spent with the family before feel worthwhile.

#### **Entry by Ellen (10/4)**

Well, today was our last day. There's so much left for us to do, but I'm content with the work we've done over the past four days. I actually think the past day and a half were the most productive.

Leaving Berks reminds me of going home after church camp. After such an intense experience, how am I supposed to go about my daily life? How am I supposed to care about anything else after seeing children in detention? Is this how the secondary trauma is going to hit me?

I'm purposefully taking the day off tomorrow to rest. Heck, when I got back to my apartment, I fell asleep on our crummy couch while typing up my notes from the week.

I don't know how to share this experience with others. There are some things that I can't share due to confidentiality and others that I can't share because they still feel too personal. All I can say for now is that I hope that the work we've done bears fruit and that there comes a day when it isn't even necessary.

#### **Entry by Kate (10/4)**

Our interview from yesterday was rescheduled for 8:30 this morning. I felt much better going into this interview. I feel like the family had opened up to us a bit more, and we would be able to make a stronger claim for them. This time, the interpreter was on the line right away. Our AO was also much more mild-mannered than the one we had yesterday. She was kind to us and more importantly to the family. She did not get short with them when they misunderstood a question. Instead, she would rephrase it without raising her voice or getting frustrated. One frustrating thing did happen during the interview. When the interpreter would be speaking to the family, there were many times that you would hear a sound in the background. It sounded like he pushed a button on his phone while he was talking to the family. The family did not seem to react to the noise, but I wanted to make sure that they could hear everything he was saying to them. I tried to note all of the times this happened, but I know that I did not mark every single time. Mark would also ask the interpreter to repeat the question if it seemed like maybe

the noise interfered with the family's ability to understand and answer the question. This interview lasted for three hours, and I was more hopeful leaving the interview than I was going into the interview. This was the family that had thanked us for our help on Tuesday, and I cried when they left because I did not think I was helping them in any meaningful way. After this interview, I felt like maybe we did help them. I hope we helped them.

Shortly after this interview, we left the facility for good. I felt hopeful leaving. I also felt bad because I was happy to go home. But, I was also reassured by the fact that ALDEA is there to help families at Berks every day. While I study immigration law and I keep up to date on all the changes in immigration law, this trip has really opened my eyes to seeing how much these laws need to be changed. Every person that I met in that facility had a completely legitimate fear of returning to their home country. They have had to deal with things that I will likely never have to face. People use racist and xenophobic rhetoric to talk about immigrants, and it is not fair. Every person in detention that I met just wanted their family to be safe and happy and healthy. Even if an individual comes to the US illegally, they should be treated with kindness and empathy. The motives of these people were clear, and it was not nefarious. They wanted to be safe, happy, and healthy. That is something that should be embraced. Our country has a horrible history of discriminating against immigrants and refusing to accept refugees. Our laws need to change. People need to be treated with dignity. We need to be better

#### **Entry by Isa 10/4**

I worked with Ellen on a CFI prep with another family. Same Pattern we got all the information we needed and G-28's signed. He had a great gesture he said thank you and kissed my hand I felt like a princess. But the feeling not of just helping but connecting with the families that are giving them our time a making them feel safe is the best feeling. When I looked at them in the eyes and told them I was so sorry for everything they went through they looked at me with teary eyes. That was a touching moment not just as a professional but as a person. Then I prep Mark and Kate client who just speaks an indigenous language. I wanted to meet with that father and son again but the time wouldn't have allowed. The guards let me buy some snack for the kid and he was really happy. He gave me a big tight hug and huge smile. When I saw them being escorted back a shed a tear. That was the saddest moment ever and will remain engraved in me every time I hear the word "detention Center." Then we went for lunch the whole team and Melody who I admire so much for doing this job every day. Not every hero wears a cape. It was fun to see how this week changed our lives in every way now we look to what PSG we belong or the concept of CFI (Credible Friendship Interview) which Mark had his

doubt of passing but everyone did. We are closer to each other like siblings. And I know I am the bully of the family. We came back we were singing songs even though they didn't play my favorite song ever BABY SHARK DO DO DO. It was a great trip back and especially because we stopped at Popeyes.

**Entry by Mark (10/4):** Today was the day of our rescheduled CFI with A. I felt pretty good about today because of the prep we had given to A and his son last night. Of course, even when my apprehension is at a low during this trip, it is still reaching all-time record high levels.

Kate, Professor Wadhia, and I were adjusting the closing statement even while we were getting cleared for entry by security. All of this being said, I think the interview went unbelievably well. My dread had dissolved into pure focus by the time we were in the interviewing room. There were definitely some frustrations, including *constant* dial tone noises coming from the interpreter's phone. I interrupted promptly and made sure that the AO knew that this could be an issue. Although the dial tone was not an overwhelming distraction or distortion, I did this for a couple of reasons. First, I think getting in a word with the AO as soon as is reasonably possible is valuable because it lets you get a sense of what the officer will and won't allow. Second, if there was a point when I thought A's understanding of the question was affected by the dial tone, I already had my foot in the door to ask for a repetition of the question.

I don't think all of these strategies were necessary because the AO ended up being incredibly kind, understanding, and deferential to our interruptions. She honestly seemed like an advocate fighting from "inside enemy lines." (I use that phrase facetiously because I don't think there should be sides. I think at our cores, the government and advocates should be, and at some levels are, working toward the same goal).

A's son is incredibly intelligent. His eyes were so intense. He was aware of every detail given to him by the AO; I think even more aware than his father. At one point, after probably two hours of interviewing, I asked if the AO could direct the question that was just asked to the son. This was the only slight pushback I ever got from the AO. She said not to worry, she was getting to that. That she had not forgotten about him. The son's answers were spot-on. He spoke his truths and I think the asylum officer believed him. She was more interested in family membership than indigenous identity, but I think, with the help of Kate and me, A and his son's answers built both cases sufficiently.

Kate did an amazing job of taking notes and keeping a calm, present, and reassuring demeanor throughout the interview. She also really helped me to develop questions that would help A and his son to really flesh out their story. She was invaluable and I could not imagine doing this process without her.

When the interview concluded, A and his son asked us some very insightful and relevant questions. We consulted with Melody to answer them. I made sure to tell the son that I thought he was very smart and I wished him the best of luck.

As we walked out of the facility for the last time, the second automatic sliding double-door to the outside would not open. It left me, Kate, and Professor Wadhia pounding the floor with our feet in an effort to activate the sensor. We tried clawing a bit in between the doors to pry them open. I noticed this problem with the doors on my first day in Berks. The irony was not lost on me. It reminded me that we have the freedom to enter and leave as we please. We have the freedom to make choices that lead to a better future. The families we left behind did not. They are in prison. The freedoms I have are not shared by other deserving people in our country, and as I think about it today I feel a responsibility to return to those double doors and help others realize their freedom.

## REFLECTIONS

**Reflections by Professor Wadhia:** As a teacher, I am so proud of the students for their resilience and stamina during an intense and unpredictable time. They were supportive of each other and connected with detainees in meaningful and important ways before asking questions about their lives and the lives of their children. As a visitor, I was struck by the mix of the population Berks: moms with children, dads with children, complete family units. One father carried a clearly traumatized two-year old girl whose mother had abandoned them. When the guard took the girl to watch her during the father's reasonable fear interview she wailed. I was sad too but also relieved that he could focus on his interview with the asylum seeker. Since the reasonable fear interview can only have an attorney present, I served as a counselor for this particular interview-- I was pleased to hear the asylum officer who was both respectful and open to having me ask questions and make a closing statement on behalf of the father. Like with diversity of families at Berks there is a variety attitudes among the guards.

**Reflection by Chase:** The week was a densely-packed cluster of experiences. I still find myself processing everything that happened there, and how I felt about it. There are some moments that stand out more clearly than others. Some are part of a narrative: what did we set out to do? What obstacles did we face? How did we face those obstacles? Were we successful? But equally pressing on my mind are the small experiences that don't fit into that scheme.

I remember seeing a 13-year-old boy waiting for his mother while she was in her CFI. He spoke no English or Spanish, and so no one was able to do more than gesture to communicate with him. When he left the attorney's room where his mother was answering questions, he started to leave the visitor area altogether. I ran after him to ask him to stay just outside the room with us. I think he understood that he needed to come back, though I couldn't really explain why. Back in the visitor's area, he stood by the door looking uncomfortable. I pulled out a chair for him to sit on, and I think that act made him feel that he wasn't allowed to stand up again. He remained planted in that chair, keeping to himself and waving down offers for food or water. He looked incredibly bored. When I looked back in his direction a while later, I saw him playing with his eyebrows. He was making faces, without even the benefit of a mirror or window to look at.

I remember, as Professor Wadhia already said, the moment that a traumatized two-year-old was taken away by a guard while her father was being interviewed. She did not speak English, and the guard who carried her did not speak Spanish. She looked terrified of the guard. Her cries seemed to reach an all new pitch when he held her. She pushed hard with her small arms to separate herself from him. He made things worse by attempting to lean in closer to her face to say, "You're alright."

Twenty minutes later I saw the same girl outside with a different guard. She was being pushed around in a stroller. The weather was nice, and she wasn't screaming anymore.

I remember asking a father who had come with one child why he had not brought the others. He was looking me in the eyes, but dropped his head when he explained that he did not have the resources to bring more than one.

I remember sitting in a CFI with a family that kept a book of scriptures open in front of them the entire time. There was a moment when the daughter turned to another page, pushed the book towards her mother, and pointed at a specific verse.

These memories and others come back to me at different moments throughout the day. I'm still processing the scope of our work, but I'm satisfied to know that, at least for a few people, we made a difference.

**Entry/Reflection by Shanjida 10/5:** Isa and I were working on the closing statement for our client's CFI till very late last night, and we continued working on it early this morning. In fact, I woke up to a call from Isa at around 7:45am letting me know that we can do one last brief prep with our client at 10:30am before his CFI, which was scheduled for 11:30am. I met Isa at the Clinic at 10am so that we can speak to our client over the phone, and after our brief prep session, we worked on the closing statement with Professor Wadhia. I think that crafting the perfect closing statement is one of the most difficult processes for me, and I am grateful to have had input from both Isa and Professor Wadhia throughout the trip.

Once the CFI began, there were difficulties with the interpreters, and we had to get connected to 4 different interpreters. The Asylum Officer was extremely rude and condescending to our client. He frequently yelled at him, and he asked very specific and difficult questions. He demanded that the interpreters cut off our client if he spoke for too long. The AO was also quite rude to the interpreters. The entire CFI made me, Isa, and Professor Wadhia feeling frustrated. I felt like it was so dehumanizing and humiliating for our client to be spoken to that way, especially in front of his very young son.

However, the interview concluded with an accurate summary, and I was able to read a closing statement that resembled the summary. I think we were able to establish nexus, and this was a relief because we had spent a good deal of time preparing our client for his CFI. Again, I was surprised that the AO did not ask any questions to our client's son. But we are hoping that this is a good sign.

I left the CFI feeling defeated but still hopeful. The AO was absolutely rude, but his assessment and summary seemed accurate and fair. I'm not sure what to make of that, but I will try to remain optimistic. A little while after I left the interview, we received an email from ALDEA, letting us know that two families we worked with passed their CFIs and would be released today! It's hard to put into words what reading that email felt like. It was surreal and validating, and it made me so grateful to have had the opportunity that we had.

I think my experience this week was one of the most life changing experiences I've ever had, and I will never be able to forget it. It's made me realize that I really do have a passion for advocating for immigrants' rights. I went into this trip without taking immigration or asylum law, but I think I learned so much by being able to apply the rules that I read about in my free time. This was an immersive experience, and it was experiential learning at its best. And I cannot thank the Clinic team enough for being so patient with me as I was figuring everything out and had a million questions every other minute.

I look forward to embarking on a career that allows me to do the work I did this week.

**Entry by Professor Wadhia (10/6)** The team arrived into State College on Thursday reflective, exhausted and hopeful. Some the words used to describe the trip on our last day: heartbreaking, still processing, heartbreak, and intense. We reached home in the evening and within hours I received a notice about two families who had been scheduled for credible fear interviews the next morning, October 5. This caused an additional 24-hour period of note taking and counseling for one of the credible fear interviews. The interview last three hours in my office and took some unexpected turns.

**Entry by Ellen (10/5)**

I don't have a proper entry today due to the aforementioned intentional rest, but I cried at the news that the applicant whose CFI Isa and I observed has been released from detention today.

**Entry by Isa 10/5**

When we thought it was over this family with I bonded so much CFI got scheduled for 11:30 am. Shanjida and I worked till late on the closing statement and also, I had my ECON midterm to submit by 8 am. I was so exhausted and for the first time really nervous. The Asylum Officer was really rude, yelling and cutting off the client. He was being rude to the translator because he speaks Spanish. The Phone call got disconnected by the client's son. The asylum officer was so upset and started to scream to our client and his son. The interpreter got disconnected and we needed another one. It was a roller coaster of emotions. I can't tell if the outcome will be positive. I felt so helpless and useless. And I can't stop thinking about it since that day. I went home to cry and pray for them. The Asylum officer after Shanjida did an amazing job with the closing statement he let us say something to our client. And I did in Spanish I told them they'll be fine, they did a great job and thank you for sharing their story. I am so grateful to Professor Wadhia and Shanjida to be there for me when I was breaking apart a needed a hug. Please all of

you are great human beings and you have the option to be immigration attorneys I encourage you to do it. Thank you for a wonderful life changing week.

**Entry by Mark (10/8):**

My entry comes a little bit late. We returned from Berks on Thursday night and I drove to New York for the National Latino Law Students Association (NLLSA) at 5 a.m. on Friday morning. I finally returned to State College Sunday afternoon.

Several people have asked me about my time at Berks. Some have asked it in passing, others in an effort to really know. It's a hard experience to put into words for me. But it has also given me so much power to describe the plight of immigrants in our country. I feel rejuvenated. I feel empowered and supported. I feel like the work we do at the clinic everyday has a purpose. I feel that the work that the people at ALDEA, PIRC, The Bronx Defenders, CCWRC, and so many other amazing organizations is indispensable. The people we helped this week *needed* our help. We made a difference. Kate, Chase, Shanjida, Isa, Meredith, Ellen, and our noble leader Professor Wadhia all came together to do something important.

It blows my mind that ALDEA does all of this on their own. It is even more mind-blowing, and honestly mostly unsettling, that so many asylum-seekers do not have the good fortune of having ALDEA or a Clinic team to help them. Now having had the first-hand experience and knowing the difference that representation makes, I feel like I have a responsibility to be as present as I can for these vulnerable populations.

Immigration was a big topic at the NLLSA conference as well. Seeing so many successful and inspiring individuals interested in public interest also inspired me. However, there was a theme at the NLLSA conference that I did not expect. They were encouraging participation at big firms. The power of the pocketbook is not to be underestimated, and they made that clear. That's a point that resonates with me as well. Without the help of some deep pockets our trip this week would not have been possible. That's not how it should be, but that's how it is. I'm not sure what conclusion to draw from this reflection. It's been bouncing around in my head and I thought I might share it here.

I'll be thinking about our time at Berks for many years to come, that much I know.



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