

Asylum Seekers Find Help at ProBAR

By Anita Davis

Wilton, now 15, grew up on the streets of Nicaragua and Costa Rica, until two American men offered to take him to the U.S. They drugged him and sexually molested him, and when they tried to sneak him into the U.S. on a false birth certificate, Wilton told the Immigration and Naturalization Service (INS) officers that he was not a U.S. citizen and



McAllen attorney Kyle Brown, center, meets with clients Getu, left, and Solomon, who escaped from Ethiopia and are seeking asylum in the U.S.

was detained.

Brothers, Solomon, 29, and Getu, 27, are of mixed Ethiopian and Eritrean heritage. Their father is a political prisoner. Their mother was taken away and never heard from again, and the siblings have been tortured. Solomon and

Getu fled from Ethiopia, and traveled to Egypt, Cuba, Nicaragua, Mexico, and finally sought asylum in the U.S.

Isabel, now 16, fled Guatemala, where she was physically and mentally abused by her uncle and ordered to leave his house at gunpoint. She crossed the Rio Grande to the U.S. in a canoe and was detained by INS. (See related story, p. 10)

Who helped these refugees when they were held in INS detention? ProBAR, the South Texas Pro Bono Asylum Representation Project. "ProBAR is the only nonprofit group providing free assistance to detained immigrants in south Texas at the Port Isabel Service Processing Center Texas," says Meredith Linsky, who has worked for ProBAR since 1998, and as the ProBAR coordinator since August 2000.

ProBAR began in 1989 as an emergency response to help thousands of Central American asylum seekers who were being detained in Texas. Indigent criminal defendants are provided attorneys at government's expense; indigent detainees are not. ProBAR finds volunteer attorneys who inform the detainees of their rights, interview them, and represent as many as possible in court.

ProBAR is a joint project of the State Bar of Texas, the American Bar Association, and the American Immigration Lawyers Association, and is funded through the Texas Equal Access to Justice Foundation by IOLTA funds, the ABA, and donations from State Bar members. The Texas Bar Foundation has provided grants totaling \$157,000 since 1989.

"Texas is made of immigrants, and we value the contributions of immigrants," said Linsky. She and another attorney, Lisa Villarreal-Rios, comprise the entire paid staff of ProBAR. They are constantly seeking volunteer lawyers to help them. "We have the largest INS

detention center in the U.S. with 800 beds," added Linsky. "We provide representation to the disenfranchised, many of whom do not speak English, have minimum education, and are baffled by the complex immigration laws."

Since its inception, ProBAR has brought more than 500 attorneys, law students, and legal assistants from all over the United States to Southern Texas to assist indigent individuals who are facing deportation.

"ProBAR offers an opportunity for new lawyers and law students to serve and understand immigration," said Linsky. "We provide training and mentoring and even free housing—with nuns at a refugee house. And for first time volunteer lawyers and law school graduates, we will reimburse expenses up to \$500."

Linsky and Villarreal-Rios conduct rights presentations (mostly in Spanish) several times a week at the detention center. They then set up one-on-one interviews with as many detainees as they can.

"We explain to them why they are being detained and what rights they have," said Villarreal-Rios, who works with the unaccompanied children. "In the interviews, we find out how best to serve them—whether they should apply for asylum or voluntary departure, whether they can be reunited with a relative, or in the case of minors, whether they can be placed in foster care."

The INS detains thousands upon thousands at the Texas border. In the year 2001, ProBAR staff and volunteers made 380 rights presentations to 5,736 detainees, approximately 900 of whom received individual counseling. Approximately 116 cases were taken to court by ProBAR volunteer and staff attorneys.

"The attorneys who come down and volunteer are changed for life," said Linsky. "They help people who have been through immense suffering but are still resilient, hopeful, loving and are seeking a better life."

So what has happened to Wilton, Isabel, and Solomon and Getu? Wilton was granted asylum and was placed with a foster family. Isabel was granted asylum and lives with relatives in New York. Solomon and Getu are living in the refugee house with the nuns and waiting for the FBI to finalize their fingerprint checks.

McAllen attorney Kyle Brown represented Solomon and Getu pro bono. "A case like this is what asylum is for," Brown said. "The system is a bit of a maze. These guys have gone through a long trek to get here. At the end of the day, it's really rewarding to have the judge grant asylum." ❖

For more information about ProBAR, contact Meredith Linsky or Lisa Villarreal-Rios at (956)425-9231 or probartx@att.net.

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