

## Internship at Human Rights First, New York

By Emily Fischer

From December 2014 to March 2015, I had the privilege of interning with Human Rights First's Refugee Representation team in New York. It was an incredible three months and has definitely been the highlight of my law degree – not only did I get the chance to work intensively in an area of human rights law that I'm extremely passionate about, but I also got to explore New York and meet some amazing people from other human rights organisations.

Through its fairly unique model, Human Rights First is able to have a huge impact on the human rights of asylum seekers in New York, Washington, D.C. and Houston, Texas. By allocating asylum cases to *pro bono* attorneys from various law firms, a relatively small team of staff attorneys are able to ensure that a far larger number of asylum seekers receive legal representation.

One of the great things about interning at Human Rights First is getting exposure to a range of different types of work. For the most part, my work involved assisting attorneys with interviewing potential clients, and then drafting write-ups based on both the information obtained from those interviews and research about conditions in the client's country of origin. It has been incredibly gratifying to meet asylum seekers from so many different parts of the world and to hear them personally recount their stories. The interviews we conducted were long, intense and often emotional, as many clients had fled and/or feared returning to countries where they faced persecution. It was particularly rewarding to work on their cases when they were accepted in to the Refugee Representation program and allocated a team of *pro bono* attorneys, as legal representation significantly increases a person's chance of obtaining asylum. After seeing the resilience that these clients displayed, and getting to know them and their stories, I feel truly privileged to have had the chance to play even a small role in helping them apply for asylum.

Being involved in the intake process also allowed me to learn about a range of different countries, as each case involves undertaking fairly detailed research about a client's country of origin. Many of the asylum seekers I worked with were from countries that I had never researched while interning in Australia, such as the Gambia, Burkina Faso, Somalia, Bangladesh, Peru, Guatemala, Honduras and Russia. It was also interesting to learn about some of the more difficult and topical issues in US refugee law, including claims based on gang violence in Central America and domestic violence.

There have been some particularly noteworthy developments surrounding asylum claims based on domestic violence. US courts have traditionally taken a narrower approach to the interpretation of 'membership in a particular social group' – one of the five grounds for asylum – than Australian courts. In the US, members of a 'particular social group' must possess a common characteristic that they either cannot change, or should not be required to change because it is so fundamental to their individual identity or conscience. The social group must also be 'defined with particularity' and 'socially distinct within the society in question'. This narrower approach has historically been particularly problematic for asylum seekers whose claims are based on domestic violence. Prior to 2014, the US Board of Immigration Appeals (BIA) had repeatedly held that women who fled their abusive partners and sought asylum in the US were not eligible for asylum, as the harm that they suffered was not on account of their 'membership in a particular social group' or any other convention ground. Instead, the BIA interpreted domestic violence as abuse of a more personal nature.

However, in mid-2014, the BIA adopted a new approach. In *Matter of A-R-C-G*, a Guatemalan woman who fled years of severe abuse at the hands of her husband claimed asylum based on her membership in the particular social group of 'married women in Guatemala who



are unable to leave their relationship'. On appeal, the BIA accepted that membership in such a group may form the basis of a valid asylum claim, depending on the particular facts and evidence of each case. The BIA found that this social group was based on the common characteristic of gender, and that it was defined with sufficient particularity because of the qualifications 'married', 'women', and 'unable to leave the relationship'. It was exciting to be interning at Human Rights First during the aftermath of such an important development in US asylum law, particularly given that so many of the Refugee Representation program's clients are women who have fled horrific situations of domestic violence. The decision in *Matter of A-R-C-G* provides women at risk of serious injury or death with a better chance of receiving the protection that they so desperately need.

One of the exciting developments in the Refugee Representation program at the moment is its increasing amount of direct representation work. During the final weeks of my internship, I helped draft part of a legal brief for one of Human Rights First's detained clients, and also went to a detention centre in New Jersey with a staff attorney to interview a detained man. I worked on his case and conducted some fairly extensive country conditions research, and his case was accepted into the program just before I returned to Australia.

I also had the chance to assist two attorneys with a Special Immigrant Juvenile Status (SIJS) case. Essentially, SIJS allows children who have been abused, abandoned, neglected or similarly mistreated by one or both of their parents to obtain permanent residency in the US. The client whose case I was working on was a child from South America, and his story was absolutely heartbreaking. Hopefully, with enough support, he will be able to make a new start in the US. Pathways to immigration like SIJS are an encouraging policy development, as they help improve access to protection for children who may not be eligible for asylum or other forms of relief.

Working at Human Rights First has exposed me to many areas of US asylum law that could be improved, however it has also allowed me to appreciate that the US system is, at least in some ways, in far better shape than those of other developed countries. I feel incredibly fortunate to have had the chance to work with the Refugee Representation team and to have met so many dedicated and inspiring attorneys, legal assistants and volunteers. I hope that, like them, I can use my legal skills to contribute to upholding and defending the human rights of some of the world's most vulnerable people.

**Information about the 2016 Global internship program can be found on our [website](#).**