



Rebecca Houghton has served as a fellow in the Legal Aid Clinic for the past two years. She is a graduate of the Boston College Law School and served as a judicial law clerk in the Attorney General's Honor Program for the Executive Office for Immigration Review.

HOPE ON HOWARD STREET

by Rebecca Houghton, Supervising Attorney, Legal Aid Clinic and Clinic Fellow

I had been working as the immigration fellow at the Notre Dame Legal Aid Clinic for one week when a young woman walked through the doors crying. In her hands she held a judicial opinion from the Board of Immigration Appeals that dismissed her asylum claim. I then watched as attorney **Barbara Szweda**, my new supervisor, invited the woman to sit and speak with us. The woman explained that she was from Rwanda and had survived the genocide although her parents and many of her siblings had not. Despite the horrors that this woman had faced during and after the genocide, the immigration judge denied her claim because he found that she was not credible. The opinion that she held in her hands that day affirmed the judge's denial, thus ordering her deported to Rwanda. Although this woman had not been our client previously, Barbara was well aware of the plight of Rwandan asylum-seekers in the South Bend community. She was also aware of my limited legal experience, which up until that point had been only that of a judicial law clerk. Nevertheless, after the woman left that day, Barbara turned to me with a smile and stated that I should appeal the board's decision to the Seventh Circuit Court of Appeals. I had my first client.

Over the course of the following months, I worked diligently on my client's case, keeping the *Federal Rules of*

Appellate Procedure close at hand and checking Westlaw daily for the latest asylum precedents. I was thankful for the faith Barbara had shown me in assigning me the tasks of filing the petition, writing the briefs, and arguing the case. I was not, however, confident that Barbara's faith was well placed; I was haunted by the fear that my inexperience would cause the deportation of a young woman to a country from which she had been fortunate enough to flee.

My anxiety only grew over the summer when I received the notice scheduling the oral argument. It peaked on the morning of September 3, 2003, when the docket sheet informed me that Judge Posner would be presiding over our case that day. I did, however, find comfort in Barbara's presence at counsel's table. She had promised that, in addition to being co-counsel, she would act as spotter in the event that I fainted. I also found reassurance in my belief in the truth of the atrocious persecution my client had suffered and in the erroneous findings of the immigration judge. Nevertheless, a fear lingered that within the 10 minutes allotted, I would not be able to convey the credibility of my client's fear and suffering or persuade the panel of judges not to defer to the immigration judge's unsubstantiated findings.

In addition to working on the circuit court appeal during the first year of my fellowship, I also assisted our immigration clinic students in representing other Rwandan asylum-seekers who passed through our clinic's doors. While all of these clients came with different stories

of how they had been persecuted, their fears of returning to Rwanda and their need for our students' representation were the same. Some clients had been targeted as potential or actual witnesses to the genocidal acts committed by their neighbors; others were victims of rape and other unspeakable crimes; while others were threatened for being actual or supposed dissidents of the current government's regime. Although these stories were ones that our clients preferred to forget, the students and I hoped that, through encouragement and compassionate listening, they would confide in us the stories behind their physical and emotional wounds so that they might find refuge in the United States. Our clients thereafter courageously exposed to us visible scars from beatings and bullets, as well as invisible scars from witnessing the murder of their children or from knowing that their only salvation from a machete blow was that of a parent's slain body covering them in a last effort of protection.

As painful a process as it was for our clients to remember the horrors of their past and for our students to probe the details of that past, their hard work and collaboration allowed our students to successfully represent more than 10 Rwandan asylum-seekers before the Chicago Asylum Office and Immigration Court last year. Although gaining practical legal skills through experiential learning is a wonderful reward for enrolling in a clinical education program, I feel confident in speaking on behalf of our students that we have all gained much more than technical lawyering skills. We have gained humility through listening to our clients' painful stories, inspiration from their strength in rebuilding their lives in a foreign country, and an appreciation for the meaning of the word *sanctuary*—a place where one is thankful for simply having a night of peaceful rest.

I was therefore also thankful when our judicial system protected my client from the arbitrary opinion handed to her by an immigration judge and affirmed by an administrative appellate board. On November 21, 2003, the Seventh Circuit Court of Appeals published a decision finding that the immigration judge's adverse credibility determinations in my client's case were not based on substantial evidence and that the judge had given undue weight to her alleged lack of corroborating evidence. The court thereby vacated the immigration judge's order and remanded my client's case for rehearing.¹

While the students at the immigration clinic represent various types of immigration cases and asylum clients from around the world, it seems appropriate that this article speak to the clinic's representation of Rwandan asylum-seekers. Unbeknownst to many, Rwandans comprise a large portion of South Bend's immigrant community, and these neighbors of ours will soon be faced with the 10-year anniversary of the genocide. This coming April, 10 years will have passed since members of Rwanda's ethnic Hutu majority committed

genocide by slaughtering over 800,000 Tutsis and moderate Hutus in only 100 days. With the approach of this anniversary, many in our community are faced with revisiting the persecution that they suffered in the past, while contemplating the future of their homeland and its struggle to find a balance between justice and reconciliation.

As I enter into the second year of my fellowship, the students at the immigration clinic continue to represent Rwandan asylum-seekers, whose past persecution was so atrocious that returning them to the country of that persecution would be inhumane, whose bravery in testifying against genocidaires was met with unchecked death threats, and whose recent cries for justice have been quashed by a government that views genocide survivors as threats to national reconciliation. I also carry into the second year a new confidence in my representation, a confidence that I had not yet earned at the time I filed the petition for review. Despite the success of our petition before the circuit court, my client's case was remanded for rehearing and is currently awaiting scheduling. While I am determined to effectively represent my client before the same immigration judge who previously denied her case, I once again am apprehensive in knowing that my client's future remains insecure. Nevertheless, while the responsibility in representing asylum-seekers can seem overwhelming at times because of the perilous consequences that face those deported, I have learned that the opportunity to represent a neighbor whose most basic human rights are at stake has far outweighed any doubts I might have had in my choice of vocation.

As the end of my fellowship draws near, I realize how much I will miss the camaraderie I have shared on Howard Street with students, clients, and clinical faculty while working to protect the rights of immigrants in our South Bend community. With the experiences I have gained through my fellowship, I hope to continue working with students to serve those asylum-seekers who cross our borders with nothing more than hope.

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¹To view the opinion of the Seventh Circuit Court of Appeals, see 349 F.3d 1039 (7th Cir. 2003).