

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/avoiding-deportation-with-the-help-of-publicly-funded-counsel>

Public Facing Advocacy Writing

Ramon* was confused when he saw two strangers waiting for him in the visitation room of the facility where he had spent more than a year fearing deportation. One of them was Halinka Zolcik, a Prisoners Legal Service attorney working with the New York Immigrant Family Unity Project (NYIFUP). She remembers how frightened the 65-year-old man looked. Ramon had diabetes and only one kidney and was not faring well.

Zolcik introduced herself and offered to help Ramon fight his deportation at no cost. He was surprised that someone would offer free representation to people who were detained and in removal proceedings, given the dehumanizing treatment he had experienced. Once youre detained, youre no longer a person, he said.

He was happy to accept legal assistance. On his school cooks wages, there was no way he could afford the estimated thousands of dollars in attorney fees. Without a lawyer, Ramon was certain he would be deported to the Dominican Republic after more than 20 years in the United States.

Ramon was correct that it is nearly impossible for immigrants to win relief from deportation without the help of an attorney. According to a study published in the University of Pennsylvania Law Review, [only 5 percent of those who win relief do so without an attorney](#), meaning that people who have credible claims to stay in the country are frequently deported simply because they dont have money.

Zolcik helped prepare Ramon and his close-knit family for the legal proceedings, working with them to present their best case. Its extremely scary, she said of immigration proceedings. In a lot of cases, deportation can be a matter of life and death. Given Ramons fragile health, the outcome could indeed have been tragic: he was facing deportation to a country with a limited health care system and where he had no support and had not lived for decades.

Zolcik notes that immigration law is extremely daunting and complicated, especially for immigrants wholike Ramonmay not be fluent in English. She set up mock proceedings so Ramon and his family would not be surprised by the government attorneys aggressive questioning when they testified at his trial. She told them to prepare letters with specific details that could help the judge understand Ramons circumstances, rather than making the mistake of including only a couple of general sentences like, I love my husband. Please let him stay in this country.

Such preparation helps families who are unfamiliar with the system. Ramon expressed gratitude that Zolcik accompanied him to court each time he appeared, including representing him at his hearing in April 2018. The judge could not immediately reach a decision, so Ramon was sent back to detention to wait.

Bad news arrived through the mail, and Ramon was deeply disappointed to learn that the judge had issued him an order of removal, meaning he would be deported. He felt there was nothing left to do and began to ask the others in detention if they knew the fastest way to get deported, simply to end his ordeal. Someone suggested that he consult el deportador, a name for the person in charge of deportation logistics. This person told him that he could not be deported for the next 30 days until he decided whether he wanted to appeal the order of removal. Ramon did not know that he could appeal the decision because the paperwork he received from the judge was written in English. Ramon notified Zolcik of the judges decision and asked if it would be worth appealing. Zolcik told him he had a strong case, but said the only way theyd really be able to answer that question was by giving it a try, which Ramon agreed to do.

About a week after the appeal was filed, he was told to pack his bag because he was being sent home from the immigration detention center to await the results of the appeal. Ramon said he felt confused but very grateful to return home, and his health and spirits started to improve. Zolcik said that he looked much better after being released. He actually smiled, she noted, which was extremely rare when he was imprisoned.

About four months after Ramons release from detention, Zolcik received good news: Ramon had won his case. The Board of Immigration Appeals reversed the immigration judges decision to deport Ramon, citing his more than 20 years of lawful permanent residence in the United States and his family ties, including an 87-year-old mother for whom he cared.

Ramon could not believe his good fortune. As he tells it, Zolcik was sent to him from heaven. He noted the interest Zolcik took in his case, which made him believe that she must care deeply for her other clients as well.

Projects like NYIFUP are extremely important, he said, for the protection of immigrants who are detained, who cannot afford to pay an attorney, and who in the majority of cases do not understand the immigration system.

*First name only is used to protect the persons privacy.

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