

Gonzaga Law in Action



GONZAGA LAW COUNSELS MIGRANTS ON ASYLUM LAW AT THE UNITED STATES-MEXICO BORDER

“This is why I am here,” declared a young woman from southwest Mexico. She placed a gruesome photograph on the desk before the Gonzaga Law student advising her on U.S. asylum law during their consultation in Nogales, Sonora. The photo depicted the prone body of her husband after he had been shot by a local criminal syndicate.

The woman and her small child had fled their home immediately following the attack, understanding that police could offer no protection against the powerful cartels. Seeking to enter the United States for protection, she had scheduled a legal consultation organized by the Florence Immigrant and Refugee Rights Project (Florence Project) working collaboratively with the Kino Border Initiative (KBI) in Nogales.

This is one of dozens of stories of violence and terror that a group of Gonzaga Law students, staff, and alumni encountered during a week of advising migrants on asylum law and current border policies. Gonzaga Law’s Border Justice Initiative, directed by Professor Megan

Ballard, coordinated the August 8-15 trip in conjunction with the Florence Project — an Arizona-based legal services provider for immigrants, and the KBI—a bi-national Jesuit founded nonprofit organization providing humanitarian aid and advocacy for migrants in Nogales, Sonora.

Six law students participated in Gonzaga Law in Action: Immigration Advocacy, earning one credit for their week of service and additional coursework. Professor Ballard and Immigration Clinic Fellow Zaida Rivera supervised and worked with students during the week. Two alumni and Phoenix-based immigration attorneys Jessica Lewis ’13 and Emmanuel Elizondo Leon ’16 volunteered their time to work alongside the group at the end of the week, as did Jessica’s immigration attorney husband. Gonzaga Law Alumni Engagement Director Sarah Guzmán joined in service as well.

Professor Ballard (photo right) consulting with students at the Kino Border Initiative.

“When, for so many migrants, the ability to exercise agency over their lives has been severely restricted or taken away entirely, supporting their agency in this moment of uncertainty felt both profoundly necessary and at times intimidating.”

2L Jewel Christensen



By the end of the week, the Gonzaga Law group provided 67 separate consultations for 203 adults and children.

Gonzaga volunteers recorded into the Florence Project database the biographical details of each person and the experiences that caused them to leave their homes. Four students also conducted group presentations on asylum law and policy for audiences of between 30 and 50 migrants. This work required students to dive deeply into U.S. asylum law and hone their cross-cultural and trauma-informed advocacy skills—all while masked and communicating in Spanish.

It was an opportunity for learning and transformation on many fronts. Third-year student Andy Havens said that “being a legal advocate requires a level of empathy with each client and at every interaction. Our work in

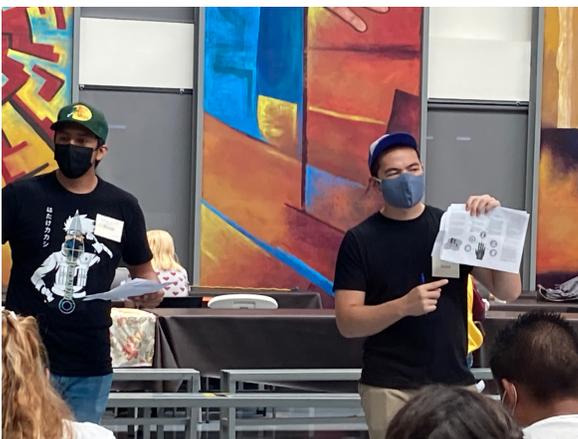
Nogales required a high level of composure and kindness when dealing with intimately personal details and harsh realities.” On a broader level, 2L Josh Cuevas noted that “my work in Nogales taught me that I can apply the law from the Abstract to the real world and to trust my instincts.

“La frontera está cerrada.”
[The border is closed.]

“Every time I uttered those four words, I felt the eyes of those who looked as if they had just received a death sentence,” said 2L, Tony Trujillo. His comment reflected the reality that the border was closed to

Asylum seekers during the team’s week in Nogales. Regardless of a person’s vulnerabilities or the violence and persecution they had endured, the U.S. policy response was the same. Closed.

“This meant telling people with hopes and ambitions that because of the laws of the United States, no one would be able to start an asylum claim,” said 3L David Salgado. He added that, “while giving out the truth of matter to these individuals was difficult, being upfront and sharing the truth was the best way we could respect the autonomy of these individuals as they continued their journeys seeking safety.”



David Salgado (3L) and Jared de Guzman (2L) presenting on U.S. asylum law to migrants at the Kino Border Initiative.



Left to right: Jared de Guzman, Josh Cuevas, Megan Ballard, Chelsea Sachau (Florence Project), Zaida Rivera, Sarah Guzmán, Tony Trujillo, Jewel Christensen, Andy Havens, and David Salgado.



Since March 2020, most people arriving at the southern border to seek asylum protection have been summarily expelled under the auspices of a public health rule, dubbed “Title 42” expulsions for the U.S. code provision on which it is based.

For a brief window prior to the Gonzaga group’s trip, immigration authorities allowed exceptions for particularly vulnerable asylum seekers who had been screened and referred by certain nonprofit organizations. But that window closed abruptly before the group travelled to Nogales. Consequently, students were compelled to inform migrants that this narrow sliver of hope was gone. Doing so was dispiriting and difficult, particularly when consulting with people who knew friends or family able to enforce their right to seek asylum two weeks earlier under the prior vulnerability exception. As David Salgado stated, “Countless individuals questioned my information during consultations with objections such as, ‘I heard the border was opening in a month,’ or ‘are you sure that there is no way I can make my asylum claim?’”

The Florence Project’s Border Action Team is all too familiar with this reaction. “Unfortunately, this is a side effect of the government’s lack of transparency with its restrictive border policies: asylum seekers do not have clear, accurate information from the government about their options to access asylum, and instead rely on false, misleading, or just incomplete rumors,” explains Chelsea Sachau, Equal Justice Works Fellow for the Border Action Team. This underscores the importance of providing legal orientations and consultations to people displaced at the border. “When you couple the government’s lack of transparency with border policies that effectively deny migrants the chance to seek asylum, this increases not only inaccurate reports, but it also drives desperate asylum seekers to pursue dangerous alternative means of entry – such as crossing through deserts, mountains, or rivers – to access safety and protection within the United States.”

The ease with which the group crossed through the border back to the United States each day added even more poignancy to the border closure.

Jared de Guzman, 2L, observed:

“I had a difficult time ascertaining how I felt each time I crossed the border into the United States after a day of work at the KBI. All at once, I felt proud of the assistance we provided to the KBI and the Florence Project, frustrated that we could not offer our clients any remedy whatsoever, angry with our legal system’s indifference to human life, and guilty that I enjoy so many privileges simply because of my nationality.”



The port of entry near the Kino Border Initiative’s Migrant Outreach Center.



Humanitarian Help

In addition to legal consultation and presentations, the team also contributed to the KBI's humanitarian mission. The KBI provides food to hundreds of migrants each day, as well as clothing and personal care items to new arrivals, and other assistance. During Gonzaga Law's visit, students, staff, and alumni worked in the kitchen, served food, distributed clothing and shoes, and helped migrants secure showers. The KBI staff and volunteers prepared and served up to 900 meals each day throughout the week. Between legal consultations, Gonzaga group members chopped vegetables, packaged freshly made salsa into small bags, and washed pots and pans large enough to double as small bathtubs. Some intrepid students teamed up to carry enormous vats of stews or pots of rice from the kitchen to the outdoor serving area. Group members also folded and organized shelves of donated clothing and helped distribute items to newcomers.

“While chopping pounds of onions and digging through piles of clothes to find a shirt that might fit a client may not have done anything to push their asylum claims forward, it tangibly helped them survive another day.”

Jared de Guzman (2L)



*Jared de Guzman,
Megan Ballard,
and Andy Havens.*

Continuing Service and Learning

“Working at the border with asylum seekers presents a constantly-changing terrain of new learning opportunities and challenges for students and staff alike,” commented Professor Ballard. “The Border Justice Initiative, with continued donor support and the help of Gonzaga’s Study Abroad office, hopes to continue to provide advocacy training for law students while helping marginalized immigrants near the U.S.-Mexico border.”

This was Gonzaga Law’s second trip to the Kino Border Initiative in Nogales, working with asylum seekers in collaboration with the Florence Project. During spring break, March 2020, five students volunteered their time with the assistance of the same two Phoenix-based alumni to help pro bono asylum seekers prepare their asylum applications. Gonzaga Law brought the last group of students to Nogales

before Covid-19 made travel and in-person advocacy impractical. Gonzaga’s August 2021 program brought the first group of law students back to Nogales since the March 2020 service.

The Florence Project attorneys recognized that the conditions in August were drastically different than the year before. Chelsea Sachau, impressed with the students’ professionalism and maturity in handling the heart wrenching consultations, commented:

“I am so appreciative of the entire Gonzaga team’s adaptability and flexibility during this trip. They met each family or individual with compassion, patiently and accurately explained why we couldn’t offer additional legal services that could permit them to enter the U.S. at this time and sat with the families in their grief and despair.”



Third-year students David Salgado and Andy Havens participated in both the March 2020 and August 2021 trips to Nogales. In recognizing the greater flexibility required of the group during this recent trip, Andy noted that “our group seemed adaptable and willing to take on whatever work needed to be done.” David discovered that that the connections he made through his service during his second trip allowed him to “learn more from these individuals than whatever I could teach them. These asylum seekers taught me the importance of gratitude for the smallest of blessings in our lives.”

The experience also left an imprint on Clinical Fellow Zaida Rivera:

“The opportunity to serve our migrant community at the border, when their fear and hope is so raw, was impactful on a professional and a personal level. As an immigrant myself, seeing the desperation and need for safety, along with the resilience of our migrant clients, reminds me of my privilege, why I do this work, and why it’s so important.”



Back row: Emmanuel Elizondo Leon ('16), Zaida Rivera, Josh Cuevas, Andy Havens, Jessica Lewis ('13), her spouse Mario Anleu. Front Row: David Salgado, Sarah Guzmán, Megan Ballard, Jewel Christensen, and Noah Schramm (Florence Project).

In light of the Gonzaga team’s extensive work, why does this report not include photos of students engaged in consultations, of the hundreds of people patiently waiting for a meal, or of the audiences for the students’ asylum presentations? Such photos can put migrants at greater risk of victimization. The people seeking assistance at the KBI live a very precarious existence. Many fled from their homes in Central America and Mexico after credible threats of violence. Criminal syndicates issuing these threats and carrying out violence have tracked a number their victims to Nogales and continue to send threatening texts or phone calls. Many others have been separately victimized or confronted with new threats of violence while near the border by gangs preying on their vulnerability.