

A Call to Action for Lawyers: Afghans Applying for Asylum Need Your Help

By SHEILA HAYRE AND KAELYN MOSTAFA

Well over a year after Kabul fell to the Taliban, Afghan evacuees in the U.S. desperately need legal help. Best estimates indicate that over 900 Afghans have been settled in Connecticut. Those who are here on humanitarian parole—a temporary status which, for many, is set to expire on March 31, 2023—must either apply for asylum or face legal limbo, along with the possibility of having to return to Afghanistan.

Many of the Afghans now living in Connecticut actively participated in the anti-Taliban resistance and only narrowly escaped; they include those affiliated with the former Afghan government or Afghan National Army forces and those who indirectly aided American forces, but also journalists, human rights defenders, women leaders, activists, etc. These individuals face retaliation if they return: Taliban forces regularly conduct violent raids of Afghan homes in search of their adversaries, and—withstanding promises of amnesty and forgiveness—threaten, beat, torture, kill, and “disappear” countless Afghan citizens who oppose them.

Connecticut's Afghan Asylum Crisis

Non-profit organizations in Connecticut—like Integrated Refugee and Immigrant Services (IRIS) and Connecticut Institute for Refugees and Immigrants (CIRI)—are being flooded with requests for legal assistance and are already overwhelmed by the number of Afghans requiring pro bono asylum representation as their filing deadlines approach. There simply are not enough pro bono lawyers to fill the gap.

In response to this imminent crisis, a broad-based coalition of immigration and refugee non-profits from across the state have come together to create the CT Afghan Asylum Project (CAAP), which aims to recruit, train, and support attorney volunteers to represent Afghans in their asylum cases. CAAP is now recruiting attorney volunteers to take on one or more affirmative Afghan asylum cases under the guidance of experienced immigration attorney mentors. No prior immigration or litigation experience is needed, and attorneys need not be licensed in Connecticut in order to take an asylum case.

But How Can I Help?

While the typical asylum case may pose challenges for a

volunteer attorney without prior immigration experience, Afghan asylum cases are uniquely suited for pro bono representation. In light of widespread human rights violations committed by the Taliban against the Afghan people, and the failure of Congress to pass the Afghan Adjustment Act, the United States Immigration and Citizenship Services (USCIS) appears to be taking a sympathetic approach in processing and adjudicating these cases. USCIS has so far reported a 99.6 percent approval rate for Afghan asylum cases. In addition, USCIS has implemented fast-track processing of these cases, scheduling an interview within 45 days of the filing of the asylum application, with a final decision coming within 150 days of the interview.

Working within this administrative context, CAAP's mentoring structure ensures that pro bono attorneys have the support they need at every step in the asylum process. To allow for maximum collaboration, each attorney volunteer is assigned a case; next, the volunteer attorneys will be assigned to a small working group made up of a few other attorney volunteers with their own cases; finally, each attorney working group will be assigned an immigration attorney mentor for individual or group coaching as the cases progress.

The mentors, who are asylum experts from across the state, have agreed to schedule weekly office hours with their attorney working groups so that they will be available as needed to answer questions and provide more general guidance throughout the process. Each attorney working group will also be assigned a team of community volunteers to provide administrative support, such as compiling client documentation, scheduling meetings, and, if needed, arranging for translation services.

In addition to attorney mentoring and volunteer support, CAAP hosted a two-hour CLE training in November. The training provided an overview of the asylum process and eligibility requirements, as well as practice tips and extensive how-to materials, including sample affidavits and country conditions reports.

Several of CAAP's immigration attorney mentors were present at the training to answer questions and collect contact information from volunteer attorneys interested in representing an Afghan



asylum seeker. If you are interested in participating in volunteering for CAAP, even if do not want or need to attend the training, please register for the training on the Connecticut Bar Foundation (CBF) website so that CAAP can send you all necessary guidance and materials. A recording of the training is available on the Connecticut Bar Foundation's website: www.ctbarfdn.org/what-we-do/programs/ct-afghan-asylum-project/overview.html.

Volunteer attorneys who participate in CAAP will represent their Afghan client(s) throughout the affirmative asylum process, which has two main parts: 1) preparation and submission of the Form I-589 asylum application along with supporting documents, including an affidavit from the client and any other evidence to prove that the client has a well-founded fear of persecution on account of his/her/their race, religion, nationality, political opinion, and/or membership in a particular social group; and 2) representation at the client's non-adversarial asylum interview at a USCIS branch office. Apart from the interview itself, the entire asylum process is estimated to require approximately 50 hours of volunteer attorneys' time, depending on the complexity of the case.

Co-author Kaelyn Mostafa, now a second-year associate in Cohen and Wolf's commercial litigation department, has been part of the effort to develop and launch CAAP, providing advice on what attorney volunteers need to succeed as they handle these cases. As she shared in the November 10 CLE training: "It can be daunting for attorneys to take on an asylum case if they are not well-versed in immigration law." But she says volunteers can be assured that, "with guidance from experienced immigration attorneys, the process has been pretty straightforward and accessible." Mostafa adds that "structured and accessible mentorship is important to the practice of any area of law, and the CAAP is designed to facilitate exactly that, for the purpose of addressing a pressing humanitarian need."

"Obtaining asylum can mean the difference between life or death—not only for the individual client but also for close family

members," said CBF Fellow and Quinnipiac Clinical Professor of Law Sheila Hayre. She described the experience of representing asylum seekers as "a transformative experience for attorneys—both professional and personally. Even decades later, you feel a special connection to and understanding of the country you are investigating, and the plight of people persecuted there."

To date, well over 30 attorneys have volunteered, representing almost 50 clients and their families. But there is still unmet need. As members of the bar, under Rule 6.1 of the Connecticut Rules of Professional Conduct, it is our professional duty to perform "pro bono publico service." Please volunteer, or help us to find someone who can. ■



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IF YOU INTERESTED IN GETTING INVOLVED

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