‘Stand Fast, Stand Firm, Stand Sure, Stand True’

By Caitlin Marshall, final year Law Student, CDU

Over 200 years ago, Harvard alumni, and Boston, Massachusetts nobleman Harrison Gray Otis proclaimed these timeless words to his peers of businessmen, historical leaders and lawyers. Today, they still resound ‘firm and true’ within the academia, attorneys and interns of the Harvard Immigration and Refugee Clinical Program (‘HIRC’). In addition, these words have become my personal motto while representing Charles Darwin University on this exciting journey abroad.

Stand Fast

It is with great honour that I was selected as the inaugural Charles Darwin University law student and Harvard Law School intern to not only experience the tenacity and commitment of the team at HIRC but to also join them as they deal with a diverse and significant inventory of clients.

These clients are applying for non-refoulement protection under both the Refugee Convention¹ and the Torture Convention² because they have either suffered persecution in the past or have a well founded fear of persecution in the future on account of their race, religion, nationality or membership of a particular social group or political opinion³ should they return back to their home countries.

In accepting this honour, I have not only been immersed within a close-knit team of lawyers, experts and academics of immigration and refugee law, but also with other dedicated student interns. Together we work directly with clients that are pending either an interview with an Asylum Officer or a hearing in the Boston Immigration Court, depending on their procedural position. These legal processes decide their futures here in the United States.

This immersion is not unlike a ‘baptism of fire’. Reading about what is done at the HIRC, and the stories of refugee status seekers that have evolved from case law and academic writings in my studies, only bears a minimal resemblance to the reality of personally dealing with those who have faced human rights atrocities in their country of origin. Textbooks cannot capture what they may risk if they were returned.

² Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, opened for signature 10 December 1984, 1465 UNTS 85 (entered into force 26 June 1987).
³ Refugee Convention, art 1A(2).
Very quickly I realised my limitations: I’m an inexperienced clinical intern from the ‘lucky country’ who only speaks English and has spent most of her legal education surrounded by books. Most of the other interns I am working with have a second or third language in which they can greatly assist the interview process for the lawyers, whether it be in Spanish or another language, and also have previous and precious clinical experience. Such is the diversity of the clients and the high quality of the Harvard interns in this fast paced but exciting program.

Stand Firm
Nevertheless, one cannot ponder one’s inadequacies for too long and by day 2 of my internship I was scheduled to meet with a troubled African mother who fled her home country to escape gender-based violence. She seeks asylum and withholding of removal from the United States under the Refugee Convention and the Torture Convention.

This particular case has been with HIRC for several years and is likely to be presented before an Asylum Officer before the year is out. There is great urgency to ensure the case is solid and crafted fluently and articulately so that the client’s future is given the greatest opportunity of success. It has not been without its troubles, however, as the mental and physical traumas of the client, since she was a young child, have left her with a complex and intertwined web of mental health issues to consider and balance with the legal process required in order to obtain a factual and accurate affidavit. A story that is not uncommon to most of those who seek help from the HIRC.

Stand Sure
It has not been an easy task entering as a stranger to the process in its final few months. Gaining the trust of the client, building a rapport, and asking difficult and mostly repetitive questions about her past, culture, beliefs and her tragedies are all obstacles I face. It is not comfortable to see the client react to questions, which are frankly very disturbing but need to be elucidated upon. This is a necessity of the job, to build a case, to draw from the client her story and to translate it into a legal representation of why she cannot be returned to her country. Such will be my task whilst I am here at the HIRC as I meet with her several times during my internship.

There are also many practical aspects to ensuring a case is ready for presentation to an Asylum Officer and that includes, by way of example, ensuring that full or partial disclosure of information controlled by the United States government is accessed via the Freedom of Information Act (‘FOIA’), 5 USC § 552. The system of accessing this information is confusing and convoluted and like any government process, full of bureaucracy, red tape, and constant amendment. I was tasked with ensuring the correct forms required were ready to be lodged with appropriate covering letters and to the applicable departments, of which

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4 Note, to preserve confidentiality identifying factors of the client have been altered.
there are no less than three requiring differing submissions. What I assumed would be simple became half a day of frustration in understanding the process and ensuring I submitted correctly. I decided at that point to assist the clinic and build a procedure so that other interns would be able to follow a step-by-step guide, including hyperlinks back to relevant government websites, instruction guides and form location.

Stand True

As the next three weeks approach I will face more difficult and challenging interviews, edit more affidavits and research country conditions of the clients I will be working with. I will also assist in sourcing and interviewing those willing to provide corroborating affidavits to support the credibility of the clients and to ground their stories with consistency, no matter where they may be located in the world.

Although challenging both professionally and emotionally, the experience is also incredibly rewarding, stimulating and thought provoking. I can only hope that my small contribution helps at least one person seeking peace and freedom by way of protection from human rights abuses in their countries of origin through the granting of asylum or withholding of removal. I am confident that if I ‘stand sure’ and ‘stand true’ – I will.

This has been the first week of my internship at HIRC, Cambridge, MA, USA.