

Sabrineh Ardalan, “Stories from the Ground: Perspectives on Refugee Law and Policy”

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Following the Second World War, nations recognized the need to establish protections for vulnerable people who were endangered in their home countries, as had occurred on such a vast scale during the Holocaust. The resulting multilateral treaty and its protocols, known as the Refugee Convention (or the 1951 Geneva Convention), defined refugee status and the rights of asylum seekers. Signing the refugee convention created the responsibility for each signatory to safeguard vulnerable individuals and provided the basis for nations to establish systems to manage such cases. Sabrineh Ardalan, a Clinical Professor at Harvard Law School and Director of the Harvard Immigration and Refugee Clinical Program, explained her work teaching and training law students on the legal processes for seeking asylum and humanitarian protections. Sponsored by the Strassler Center as part of its Especially for Students series, in partnership with the Interdisciplinary Program in Law and Society and the Pre-law Society, her Zoom talk offered a practical overview of legal procedures involved in navigating the immigration system on behalf of clients who have come to the US from around the globe.

Ardalan began by describing what drew her to this important field of law. As a child of Iranians forced to remain in the United States following the 1979 Revolution, she recalled early memories of waiting in line at the Immigration and Naturalization Service, the agency that handled such cases at that time, as her parents pursued their asylum case. Given her family history, she was drawn to activism and human rights initiatives at a young age. These experiences led her to law

school and eventually to providing pro bono legal assistance to immigrants in the aftermath of 9/11. Her satisfaction in helping refugees gain status in the US pointed her toward clinical teaching at Harvard Law School, where she has mentored law students and taught courses about immigration law, as well as on trauma, refugees, and international labor migration.

Ardalan trains students to become lawyers, human rights advocates, and policy experts.

Participants in her clinic learn how to conduct client interviews, often amounting to hundreds of hours of conversation, which result in a declaration documenting the client's life story. Students corroborate these testimonies by consulting experts in an effort to show that what they claim to have experienced really happened to them and that they are justified in fearing a return to their home countries. These legal efforts usually entail seeking expertise from scholars and specialists who provide crucial background information and context.

Immigration clinics and non-profit legal aid organizations provide essential assistance to desperate asylum seekers. These services are clearly effective as the success rate is 80% for people with legal representation while only 3% of people without legal counsel receive asylum. Against the backdrop of the last four years, these free services have become even more important as anti-immigrant voices have fueled a public discourse vilifying immigrants and refugees. In addition, the pandemic has exacerbated the already overburdened and broken immigration system. Detention centers holding immigrants who entered the country without legal documentation confine them in unsafe conditions as they await their court dates. At present, there is a backlog of more than a million cases pending, which keeps anxious asylum seekers in a

prolonged state of uncertainty. Lawsuits across the country have challenged these detentions with mixed results.

Students moved by the plight of vulnerable people fleeing violence, trauma, and persecution learned how they might make a difference. Ardalan described specific ways to get involved as volunteers, donors, and advocates. She urged the audience to pressure the Biden administration to adopt more inclusive policies and to repeal those that are used to unjustly expel individuals deserving protection. Congressional bills that provide paths to citizenship, including the Dream and Promise Bill and the Farm Workforce Modernization Bill, need public support. Volunteers are desperately needed on the ground to help unaccompanied minors who have crossed the border where the crisis has steadily worsened. Ardalan presented these and other concrete ways to show that refugees and immigrants are human beings who deserve our care and attention.

Mary Jane Rein