

Proskauer Partner Takes Action In Border Separation Crisis

By **Aebra Coe**

Law360 (July 19, 2018, 1:55 PM EDT) -- Proskauer Rose partner William Silverman's own grandparents sought refuge in the U.S. after facing violence in their native Russia, and now, a century later, the attorney is dedicated to aiding immigrants at the southern border seeking the same things his family once did: safety, freedom and opportunity.

New York-based Silverman recently spent several days in Dilley, Texas, speaking with women and children detained at the country's largest immigration detention facility, the South Texas Family Residential Center, and helping them prepare for their credible fear interviews, in which they explain to an asylum officer the reasons they are seeking asylum in the U.S.

Silverman was also there in his role as the leader of the firm's global pro bono effort, seeking opportunities for the firm's attorneys who have expressed a desire to help out after learning that thousands of families had been separated at the border under the Trump administration's immigration policies.

He says that he not only sees the work as his duty as an attorney — it is also personal. He remembers his grandfather describing the conditions in Russia before he fled to the U.S., escaping violence directed against Jewish people in the country during the early 1900s.

"There was no law enforcement they could rely on, and no hope for a future in that country," Silverman said. "He didn't for a second take for granted the freedom and opportunities he had because for him the United States literally was a dream that came true."

Silverman said he can see parallels between his own family's story and the current refugee crisis emanating from El Salvador, Honduras and Guatemala.

"I understand it is a complicated issue but we cannot — consistent with American values and a respect for the rule of law — close the door on refugees and treat people with cruelty or without due process," he said.

Despite his existing knowledge of immigration and asylum matters, Silverman said his experience in Dilley was eye-opening and heart-wrenching.

"I went down there thinking it wouldn't be too hard. I've done a lot of pro bono work and was a federal prosecutor," he said. "It ended up being much more difficult than I ever imagined. It changed my whole view of the crisis and what our response should be."

In a three-part blog he wrote and posted to the Proskauer website following the experience, Silverman detailed hearing countless harrowing stories from women and children who had fled gang violence, domestic violence and sexual violence, all absent effective law enforcement; learning about the process through which the asylum seekers make their way through the U.S. court system; seeing the bleak conditions under which they are held while the courts decide their fate; and sitting next to a small child tasked with representing herself in front of an immigration judge who would not allow the attorney to speak on the child's behalf.

The South Texas Family Residential Center holds approximately 2,400 women and children at any given time, usually for two to three weeks, as they wait for their credible fear interviews, one step in the asylum process as they seek to stay in the U.S.

Each person who comes through the facility meets with a legal assistant or lawyer to talk about their asylum claim before their hearing. Silverman said that when he headed to Texas he was under the impression that he would encounter people with a range of different experiences, but wasn't prepared for what he saw.

"They all were suffering from tremendous trauma and were victims of the worst things imaginable," he said. "My whole concept has changed because I really view this more now as a refugee crisis as opposed to an immigration crisis. These women and children were essentially escaping the equivalent of a war zone."

Silverman says he was able to witness the impact of the Sessions memo — which restricted asylum claims based on gang and domestic violence — with his own eyes during the time he spent in Dilley. Over the course of the week he says he saw the number of people failing their interviews increase, as a result of the memo.

Asylum seekers are able to appeal the determination, but the process is difficult, with a judge appearing over a screen from afar and children and women speaking to the judge on appeal themselves, not allowed to have a lawyer speak on their behalf.

"I don't think a 5-year-old or 10-year-old is any position to do that effectively. It's an example of how expedited removal proceedings don't provide a great level of due process," Silverman said. "If this is the direction they're moving, I am very concerned that thousands of people could die [as a result of the violence in their home countries]."

Upon his return from Dilley, Silverman and other attorneys at Proskauer began to develop a plan for how the law firm's attorneys can lend their pro bono help to the people affected by the immigration crisis.

Over the past several weeks, the federal government has transferred more than 300 immigrant detainees from federal detention facilities on the border to Albany County Jail and the firm is sending 12 lawyers to Albany to help prepare immigration detainees for their credible fear interviews.

Silverman is also planning, along with other attorneys at Proskauer and in-house lawyers from a corporate client, another trip to Texas. His three-part blog describing the first trip to Dilley is available on the Proskauer website.

--Editing by Rebecca Flanagan and Emily Kokoll. All Content © 2003-2018, Portfolio Media, Inc.