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Benjamin N. Cardozo School of Law

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KATHRYN O. GREENBERG IMMIGRATION JUSTICE CLINIC FILES FOIA SUIT



March 15, 2019

Students in the Kathryn O. Greenberg Immigration Justice Clinic, together with co-counsel at the American Immigration Council (Council), filed a suit in New York federal court last week that could prevent deportation for immigrants with pending cases.

“Our case is challenging the government’s attempts to withhold information about these systemic deficiencies,” said Geroline Castillo, a 3L in the immigration clinic who filed the suit. “These problems deny litigants due process.”

The suit is part of a joint year-long investigation with the clinic and the Council into the way the Board of Immigration Appeals, which is part of the Executive Office for Immigration Review (EOIR), handles requests for stays of removal filed in conjunction with requests to reopen old deportation orders. These requests were intended as a protection from deportation while their requests to reopen their cases are pending. The clinic’s goal is to obtain hard data and records to highlight potential areas of improvement in this procedure and provide guidance to litigants.

RELATED NEWS

July 16, 2019

[Professor Lindsay Nash Published Op-Ed on Immigration Raids \(/news/professor-lindsay-nash-published-op-ed-immigration-raids\)](#)

Professor and Immigration Justice Clinic (<https://cardozo.yu.edu/clinics-professional-skills/clinics/kathryn-o-greenberg-immigration-justice-clinic>) Co-Director Lindsay Nash's article titled (<https://www.nydailynews.com/opinion/ny-oped-ices-cruelty-explained-20190714-nza66q6xm</body></html>>)

May 3, 2019

[Indie Film Clinic Hosts Pop-Up Event at Ghetto Film School in the Bronx \(/news/indie-film-clinic-hosts-pop-event-ghetto-film-school-bronx\)](#)

The Indie Film Clinic hosted a pop-up event at Ghetto Film School (GFS) in the Bronx on Thursday, offering free legal services to independent filmmakers.

Lindsay Nash, Assistant Clinical Professor of Law and Co-Director of the Kathryn O. Greenberg Immigration Justice Clinic, said the current administration's practices have created an increasingly urgent need to correct these systematic problems.

"The ability to prevent quick deportations based on old removal orders is especially critical in the Trump era because the administration is now targeting so many people with old removal orders even though many of these people have now lived here for a very long time and often with the government's permission," Nash stated.

Castillo agreed: "They've really built their communities. They're Americans at this point, they just don't have the status," she said.

Clinic students Castillo, 3L Emily Lundgren and 2Ls Rikke Bukh and Yael Ben Tov filed suit with the Council in February 2019 under the Freedom of Information Act, to compel the government to provide information related to stays of removal filed with requests to reopen deportation orders. Students say they have been attempting to obtain such records for months, but the EOIR has largely refused to disclose the requested records or failed to respond.

"We think [the EOIR is] depriving these people of the protections they're entitled to get," said Lundgren. "But, when the government is violating its transparency obligations, it is difficult to know what's going on behind closed doors."

Lundgren and Castillo agree that filing the suit in the U.S. District Court for the Southern District of New York could bring crucial national attention to the issue. The court has 30 days to respond.

"The government is denying these requests without considering the merits of their case," Castillo said. "We just want to get as much data as possible to help restore meaningful access to this important mechanism for protection."

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March 12, 2019

[Human Rights Clinic and Dispute Resolution Program Join Forces to Help Indigenous People in Brazil \(/news/human-rights-clinic-and-dispute-resolution-program-join-forces-help-indigenous-people-brazil\)](#)

Professor Jocelyn Getgen Kestenbaum, director of the Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic and Professor Lela Love, director of the Kukin Program for Conflict Resolution, traveled to Amazonas, Brazil in February to train federal prosecutors.

March 5, 2019

[Bet Tzedek Civil Litigation Clinic Wins ADA Settlement Against FDNY for Discrimination Against Veteran with PTSD \(/news/bet-tzedek-civil-litigation-clinic-wins-ada-settlement-against-fdny-discrimination-against\)](#)

November 16, 2018

[Immigration Justice Clinic Back in Texas Representing Immigrant Asylum Seekers - Students and Faculty Working Into Thanksgiving Holiday Providing Legal Support to Women And their Children \(/news/immigration-justice-clinic-back-texas-representing-immigrant-asylum-seekers-students-and\)](#)

A group of eight students, supervised by Professor Lindsay Nash (<https://cardozo.yu.edu/directory/lindsay-nash>) and Teaching Fellow Hannah Robbins, will be on the ground in Dilley, Texas this week, to represent asylum-seeking women and children being detained in the 2,400-bed family d