

## **PARTICIPATORY COMMUNITY DEFENSE IN IMMIGRATION COURT**

The PODER Community Defenders Project is modeled after the participatory defense community organizing model created by the Albert Cobarrubias Justice Project for people facing charges in criminal court to impact the outcome of cases and transform the landscape of power in the court system. We believe that this model is urgently needed in immigration defense.

Much of what happens in immigration court happens behind closed doors. The public rarely sees the inside of an immigration court. Many family members are precluded from attending hearings because of their immigration status. Few are there to witness the bias and abuse of immigration prosecutors and judges. Detained immigrants are unable to access loved ones or documents and rarely appeal the erroneous decisions of Immigration Judges, preferring to accept deportation rather than prolonged detention. In immigration court the entire burden is placed on the immigrant and the government usually wins, often without a shred of evidence. In FY 2023 only 10% of people in removal proceedings won the relief they sought.

We believe that a participatory community defense model can shift some of the imbalance in the immigration court system. Family participation builds a better defense for the individual and helps the next family be more prepared. Involvement of the family and the community can reduce isolation, demystify the process, and build community. Community participation allows us to get more eyes on the court, and to share what we see. Exposing the inequities of the system allow us to push for change.

The PODER Community Defenders project will utilize the concepts of participatory defense in the following ways:

1. PODER clients and family members will agree to work collaboratively with the PODER attorney and to participate in meetings with families of other persons in removal proceedings to share skills and knowledge learned during the defense of their loved one.
2. PODER attorneys will communicate directly with family members and encourage them to bring in other members of the client's community to assist in the defense.
3. PODER attorneys will utilize the knowledge and skills of the family in preparing the defense, obtaining documents, identifying and preparing witnesses and strategizing about the case.
4. PODER families will assist attorneys in identifying the strengths and weaknesses of the case, locating documents and witnesses, and preparing a defense to removal.
5. PODER attorneys will call on the client's community and other community members to appear at hearings in defense of the client, to show support and to show the immigration court that our eyes are on them.
6. PODER attorneys and families will witness and document the treatment of immigrants in immigration court. We will share what we see and we will share our stories.

PODER's participatory justice model builds on the ways we are already connected to integrate legal representation and community organizing. This partnership can result in more favorable outcomes and lead to systemic impact far beyond individual cases.