

PREVENTING
DEPORTATIONS

EXPANDING
SANCTUARY

DEFENDING
IMMIGRANTS

ORCHESTRATING
DIGITALITY

AMPLIFYING
VOICES

TRANSFORMING
POLICIES

SAFEGUARDING
COMMUNITIES

ENDING
CRIMINALIZATION

CHALLENGING
DETENTION

IMMIGRANT DEFENSE PROJECT

PRESENTS

AN EVENING CELEBRATING

20 YEARS

OF **FIGHTING** FOR **JUSTICE**
& **HUMAN RIGHTS**

APRIL 10, 2018
HOUSTON HALL

222 W HOUSTON ST. | NYC

6:00 PM COCKTAILS | 7:00 PM
DINNER, PROGRAM & MUSIC



Thank you for being with us tonight as we celebrate not only IDP, but 20+ years of collective action in the fight for justice and human rights for all immigrants.

When IDP was founded twenty years ago, we could not have anticipated the scale of the human rights crisis faced by immigrants at the intersection of the criminal and immigration systems. But, despite the challenges, and with your critical partnership over the years, IDP has accomplished a great deal in the fight for the rights of the most marginalized immigrants: This includes training directly impacted communities and their lawyers, as well as developing winning legal strategies in criminal and immigration courts. IDP continues to build collaborative and effective advocacy work with criminal justice and immigrant rights allies outside the courts, in addition to uplifting the leadership of those most impacted.

We deeply appreciate your ongoing solidarity. Together, we will continue to fight towards our vision of dignity and human rights for all.

In Solidarity,

Alisa Wellek
Executive Director

Mizue Aizeki
Deputy Director

Manny Vargas
Senior Counsel

on behalf of Immigrant Defense Project

Genia Blaser, Senior Staff Attorney

Joseph Celestin, Development & Operations Associate

Benita Jain, Supervising Attorney

Alejandra Lopez, Communications Director

Marie Mark, Supervising Attorney, Padilla Support Center

Ryan Muennich, Staff Attorney

Ariadna Rodenstein, Development Director

Lili Salmerón, Advocacy and Outreach Associate

Andrew Wachtenheim, Supervising Litigation Attorney

Lee Wang, Senior Staff Attorney

7:00 **Welcome**, Host Committee Co-Chair MaryAnn Sung and IDP Executive Director Alisa Wellek

*Video: **The System Never Lets You Go: A Story of Resistance***

Remarks, Manny Vargas, IDP Founder and Senior Counsel

Dinner Service, Musical Break with DJ Uproot Andy

Overview of IDP History & Contributions of Evening's Honorees, Alisa Wellek and former Co-Director and Managing Attorney, Benita Jain

Presentation of Awards

Norman Reimer, presented by Manny Vargas

WilmerHale (Mark Fleming), presented by Manny Vargas

Gibson Dunn (David Debold), presented by Manny Vargas

Orrick, Herrington & Sutcliffe LLP (Aaron Scherzer), presented by IDP Supervising Attorney Andrew Wachtenheim

Alina Das, presented by New Sanctuary Coalition ED, Ravi Ragbir

Carlos Menchaca, presented by Jose Molina

Khalil Cumberbatch, presented by IDP Deputy Director Mizue Aizeki

8:30 **Closing Remarks**, Advisory Board Members Peter Markowitz and Marianne Yang

Dessert and music



The Immigrant Defense Project (IDP) was founded 20 years ago to combat an emerging human rights crisis: the targeting of immigrants for mass imprisonment and deportation. As this crisis escalates, IDP continues the fight for justice for immigrants at the intersection of the criminal and immigration systems.

In 1996, Congress passed a set of harsh immigration laws, rooted in the racist and punitive tenets of the War on Crime: expanded policing, unforgiving sentences, and mass imprisonment, with deportation as an additional punishment for a wide range of offenses. These laws laid the foundation on which the U.S. has built the world's largest detention and deportation system, one that exploded after the creation of the Department of Homeland Security (DHS) in 2003. The increased involvement of local law enforcement with immigration policing has created a new threat to at-risk communities: contact with police has become a pipeline into the immigration prison and deportation system. Again, we face a new moment of crisis: the current administration has escalated the war on immigrants to new heights, through its campaigns of fear, hatred, racism, and lies.

Rooted in the principle that no one is disposable, IDP continues to fight each step of the way.

IDP executes a multipronged strategy to push back against the racist criminal and immigration systems towards a vision of human rights for all

LEGAL ADVICE & TRAINING

We educate immigrants, advocates and lawyers on the complex intersection of federal immigration and state criminal law to help prevent thousands of deportations each year.

IMPACT LITIGATION

We orchestrate the strategy behind litigation in the Supreme Court and Circuit Courts (including 5 recent victories) and challenge unfair laws to expand our reach exponentially.

POLICY & ADVOCACY

We advocate for laws and policies that protect human rights, including some of the first successful sanctuary policies and decriminalization efforts, and the current pardon and “ICE out of the courts” campaigns.

COMMUNITY DEFENSE

We support communities and grassroots groups with valuable resources, such as multilingual Know Your Rights trainings and materials, manuals on navigating these systems with cutting-edge legal arguments, and campaigns that have successfully kept loved ones home and families together.

STRATEGIC COMMUNICATIONS

We counter the demonization of immigrants and people with criminal convictions and change the conversation by exposing the human toll of unjust policies.

NORMAN REIMER

Executive Director, National Association of Criminal Defense Lawyers (NACDL)

IDP honors Norman Reimer for his early and continued support of efforts to ensure the rights of immigrants in the criminal justice system. Norman was a leader in the New York City criminal defense community when the 1996 mandatory detention and deportation laws passed, and he became a critical partner and early adopter of IDP's strategy to equip defenders with tools to avoid these laws' deportation triggers. As Executive Director of the National Association of Criminal Defense Lawyers (NACDL), Norman drew on that experience and has promoted a culture at NACDL to be cognizant and supportive of the rights of immigrants in the criminal legal system. Under Norman's leadership, NACDL critically joined IDP's amicus brief to the Supreme Court in *Padilla v. Kentucky* (2010), asserting that the criminal defense community has accepted standards of conduct requiring immigration advisals and that this duty does not create an undue burden for the defense community. Since the Supreme Court's groundbreaking decision in *Padilla*, which was grounded in the defense community's professional norms, Norman has frequently partnered with IDP to train and disseminate resources to the public and private defense bars. He also has put the weight of NACDL behind *amicus* briefs that contributed to litigation victories in Supreme Court cases that have pushed back against the government's overbroad application of deportation grounds such as *Carachuri-Rosendo v. Holder* (2010), *Mellouli v. Lynch* (2015), and *Esquivel-Quintana v. Sessions* (2017), and against attempts to increase deportations by applying immigration laws retroactively, including *Judulang v. Holder* (2011) and *Vartelas v. Holder* (2012). Norman continues to promote other collaborations between the criminal and immigrant justice communities, advocating for national policy reform to achieve justice for immigrants accused of crimes including an important Attorney General reversal of position on an unfair deportability adjudication policy, and increasing access to clemency.

WILMERHALE

For the past 15 years, WilmerHale has been a staunch ally to IDP and the immigrant communities and families for whom we advocate. WilmerHale's teams of lawyers have represented individuals and groups of *amici* before the Supreme Court and the Courts of Appeals in many of the most important cases advancing and protecting the rights of immigrants in the U.S. As pro bono counsel for individual petitioners in key cases before the Supreme Court, WilmerHale partner Mark Fleming won victories in *Mathis v. U.S.* (2016), persuading the Court to apply a fair and protective rule for assessing the nature of past convictions including those of immigrants facing deportation; and *Judulang v. Holder* (2011), preventing the government from retroactively applying laws that restrict immigrants from accessing relief from deportation. WilmerHale's lawyers, including partner Alan Schoenfeld and former partner Christopher Meade have represented *amici* in key Supreme Court cases challenging overreaching applications of drug deportation laws, including *Lopez v. Gonzalez* (2006), forbidding the government from labeling people convicted of simple possession offenses as drug traffickers; *Moncrieffe v. Holder* (2013) clarifying that the social sharing of marijuana is not a drug trafficking crime; and *Mellouli v. Lynch* (2015), prohibiting the mandatory deportation of a lawful permanent resident convicted of a low-level paraphernalia possession offense. In the Supreme Court's recent case in *Esquivel-Quintana v. Sessions* (2017) and the earlier case of *Leocal v. Ashcroft* (2004), WilmerHale's *amici* briefs helped prevent the wrongful application of other mandatory grounds of deportation. Mark Fleming was also instrumental in persuading the U.S. Solicitor General to decline to challenge before the Supreme Court a lower federal court immigrant rights ruling and this then helped lead to a favorable and important Attorney General reversal of position on an unfair deportability adjudication policy in *Matter of Silva-Trevino* (BIA 2016). And, before the federal Courts of Appeals, WilmerHale lawyers and former lawyers such as Deirdre Von Dornum have been equally agile, representing individual immigrants, federal defendants, and *amici* in litigation around other important immigrant rights issues, recently including first amendment free speech issues (*U.S. v. Sineneng-Smith*, 9th Cir. 2018, pending post-argument) and eligibility for relief from deportation (*Almanza-Arenas v. Lynch*, 9th Cir. 2015 *en banc*).

GIBSON DUNN

Gibson Dunn has partnered with IDP for more than ten years in cases resisting the federal government's efforts to unfairly apply criminal deportation laws to individual noncitizens and to constrict the rights of immigrants in the criminal legal and immigration systems.

Before the Supreme Court, Gibson Dunn's team has represented groups of *amici curiae* immigrants' rights and criminal defense organizations in some of the most far-reaching and historically significant cases on these issues, including *Carachuri-Rosendo v. Holder* (2010), an immigration case that prohibits the federal government from wrongly treating combinations of simple possession offenses as drug trafficking crimes; and *Vartelas v. Holder* (2012), an immigration case prohibiting the unfair retroactive application of laws that deny re-admission after a brief trip abroad.

Gibson Dunn also represented *amici curiae* legal ethics professors et al in *Padilla v. Kentucky* (2010), a transformative criminal justice case affirming that the Sixth Amendment requires the conferral of accurate immigration advice to noncitizen defendants by defense counsel. And, before the federal Courts of Appeals and the agency, Gibson Dunn has shown remarkable commitment and client-centered advocacy, representing individual immigrants in years-long proceedings before the federal courts and the BIA. Gibson Dunn partner David Debold continues litigation on behalf of individuals wrongfully deported for New York drug offenses, with the *Andrews v. Sessions* case currently pending before the Second Circuit following years of David's tireless advocacy. And Gibson Dunn partner Richard Mark recently won his client's Second Circuit appeal in *Obeya v. Sessions* (2d Cir. 2018), securing an impactful holding that common New York petty theft offenses do not trigger automatic deportation.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Four years ago, IDP and Orrick started a litigation collaboration in defense of immigrants' access to relief from deportation that has resulted in a litigation campaign stretched across five federal Courts of Appeals, and challenging overbroad and unfair deportability determinations in two cases before the Supreme Court. Orrick's lawyers have directly taken on the federal government's position announced in *Matter of Almanza-Arenas* (BIA 2009), under which the government denies relief from deportation to immigrants who can't access certain criminal court documents that reflect the precise nature of the disposition in a past case. Weaving seamlessly between their role as party counsel and counsel for *amici* in this campaign, Orrick's lawyers, under the leadership of Robert Loeb, Brian Goldman, and Aaron Scherzer, have secured victories for immigrants in the First, Fifth, Ninth, Tenth, and Eleventh Circuits, in *Sauceda v. Lynch* (1st Cir. 2016), *Gomez-Perez v. Lynch* (5th Cir. 2016), *Villavicencio v. Sessions* (9th Cir. 2018), *Martinez Garcia v. Lynch* (10th Cir. 2016), and *Cintron v. U.S. Attorney General* (11th Cir. 2018).

Displaying a remarkable grasp of state criminal laws and federal immigration and administrative laws, Orrick's lawyers have persuaded the Courts of Appeals to issue opinions finding that certain convictions do not automatically trigger deportation or that noncitizens cannot be barred from seeking immigration relief based on the arbitrariness of state court record keeping practices and other barriers to obtaining documents. This litigation campaign continues before the Ninth Circuit, as Orrick's lawyers prepare for *en banc* proceedings later this year in *Marinelarena v. Sessions*. Before the Supreme Court, Orrick represents the noncitizen in *Sessions v. Dimaya*, argued twice before the Supreme Court by partner Joshua Rosenkrantz, where the Court is considering whether one portion of the crime of violence mandatory deportation ground is constitutionally deficient as void for vagueness. The outcome in *Dimaya* will affect removability and access to relief for thousands of noncitizens nationwide.

Orrick's lawyers have also provided tremendous technical assistance and capacity building to IDP in our efforts to use the federal courts to expose the misconduct of federal immigration agents and secure a measure of justice for impacted individuals and families.

ALINA DAS

Professor of Clinical Law, NYU School of Law

IDP honors Alina Das for her incredible scholarship and advocacy on behalf of immigrants, from her current position as Co-Director of the NYU Immigrant Rights Clinic going back to her early years at IDP. Over the years, Alina has powerfully represented immigrants and community organizations in litigation at the agency, federal court, and Supreme Court level, and in immigrant rights campaigns at the local, state, and national level. This includes her development of insightful legal theories relied on by courts to reach just rulings benefiting whole classes of immigrants.

In particular, she has engaged in strategic advocacy and litigation to address the immigration penalties associated with drug convictions, such as in the Supreme Court government overreach cases arising out of the war on drugs, including *Carachuri-Rosendo v. Holder* (2010), prohibiting the federal government from wrongly treating combinations of simple possession offenses as drug trafficking crimes; *Moncrieffe v. Holder* (2013) where the Court clarified that the social sharing of marijuana is not a drug trafficking crime; and *Mellouli v. Lynch* (2015), prohibiting the mandatory deportation of a lawful permanent resident convicted of a low-level paraphernalia possession offense. She has also played a leadership role litigating issues related to mandatory detention in cases such as *Lora v. Shanahan* (2d Cir. 2015). Her brilliant scholarship has been cited five times by the Supreme Court. In addition, Alina has always stood with communities fighting for change. She has played a key role on the Board of Families for Freedom, a New York-based multi-ethnic human rights organization by and for families facing and fighting deportation. She has also worked tirelessly with the New Sanctuary Coalition of NYC to bring national attention to ICE's targeting and detention of long-time activist Ravi Ragbir and fight for his freedom. And through her leadership with Nancy Morawetz at the NYU Immigrant Rights Clinic, she has acted as a mentor not only to her students, but also to attorneys and activists across the country.

CARLOS MENCHACA

Council Member, Chair of New York City Council
Committee on Immigration

IDP honors Council Member Carlos Menchaca for his principled advocacy and support for all immigrant New Yorkers. He has fought for protections that leave no one behind. He helped pass a landmark New York City law limiting collusion between local law enforcement and Immigration and Customs Enforcement, protecting thousands of our city's residents from mass deportation programs that tear apart families, waste local resources, erode public safety, and deny equal justice and due process to all New Yorkers. Carlos also authored the legislation for New York's first municipal identification card, IDNYC, which now serves over one million registrants.

As Chair of the Committee on Immigration, Carlos led negotiations that funded the nation's largest public defender program for immigrants, the New York Immigrant Family Unity Project. He has played leadership roles in opposing restrictions to legal services funding based on a criminal record and getting ICE out of the Courts. Having such a strong advocate makes a meaningful difference in the lives of immigrant New Yorkers. He sees his constituents as whole people deserving of rights and his support, including New Yorkers like Jose Molina, a longtime resident who is here with us today because of the partnership of his union, Carlos, IDP and many others who fought for his release. As New York State's first Mexican-American elected official and Brooklyn's first openly gay office holder, time and again, Carlos has demonstrated tremendous leadership and a strong commitment to fighting for all New Yorkers.

KHALIL CUMBERBATCH

Associate Vice President of Policy, The Fortune Society

IDP honors Khalil Cumberbatch for his work as a formerly incarcerated national advocate for reform of the immigration and criminal legal systems, from his current position at The Fortune Society to his prior work at JustLeadershipUSA.

Since his release in 2010 after serving almost seven years in the NYS prison system, Khalil has worked with various non-profits as an educator, a mentor, a social worker, policy analyst, advisor, board member, collaborator, and consultant. Khalil is a leader in the re-entry community where he is revered for his accomplishments and his commitment to improving the lives of others.

Abruptly arrested by ICE and ripped away from his family during an early morning home raid in May 2014, Khalil and his family fought for his freedom by activating his community. IDP allied with re-entry organizations to fight for Khalil's release from detention which we eventually won after six months. During this time we requested a pardon from Gov. Cuomo, which was granted in December 2014. Once out, he powerfully spoke about the pain he experienced and the need to change this cruel and dehumanizing system so others wouldn't suffer injustice. Through his own experience and skills, he has expanded this movement.

We are especially proud that Khalil, along with the Fortune Society, has engaged those advocating for reentry and criminal justice reform to join us in this fight. We appreciate their steadfast partnership with IDP on our campaigns for sentencing reform and increasing access to pardons in New York State.

Special acknowledgment for their long-term pro bono contributions to IDP's strategic litigation campaigns:

Iris Bennett and Julia Peck

Many thanks to those who have volunteered their time and creativity for this event:

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Brittany Castle, Gerardo Romo, Beatriz Kaye,
Kyle Barron, Cody Cutting, Steven Whisler*

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The System Never Lets You Go: A Story of Resistance **A video by IDP featuring Khalil Cumberbatch**

Producer/Cinematographer: Emily Taguchi
Editor: David Cohen

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