

Inspired by Stu

Robert Crow

Editor's note: *On March 28 and 29, OCDLA Members Robert Crow, Mark Gorski (Moose) and Russell Barnett assisted an Iranian family (the mother, Leila, her husband and two children, all US citizens) with the plight of their relative (Alia Ghandi) not being allowed entry in to the US, despite having a valid visitor visa. Alia Ghandi is Leila's sister. The following was written by Robert Crow for the listserv and has been edited for brevity.*

The experience profoundly affected us. I have no idea if we gave this family the best advice or made a meaningful or lasting effect on their family or Alia. We knew very little about immigration issues, and until Tuesday night, March 21, didn't know what Customs and Border Patrol [Ed: Customs and Border Protection, or CBP] or Credible Threat hearings were.

We arrived at the airport and were told Rep. Blumenauer's staff would be there (they weren't). We spoke with the family and basically just listened. We ate dinner, joked with their kids. Moose made call after call through the CBP chain. I ended up chatting with some media that showed up. CBP asked if we had a G-28 on file...Moose and I frantically Googled "G-28" (notice of appearance). Eventually we learned CBP had determined Alia was an "intended immigrant" coming in on a visitor visa, so they weren't going to let her in. Soon Russ Barnett arrived, with fresh copies of G-28s. As fate would have it, the American Immigration Lawyers' Association (AILA) and ACLU were at the airport and welcoming in some refugees. They didn't have all the answers, but it was good to have them around.

We learned Alia had been taken to NORCOR (Northern Oregon Regional Corrections Facility). Barnett used his southern charm and at 10:30 PM a deputy at NORCOR connected us to Alia by phone. An AILA lawyer was relaying some advice to Leila, who looked at Moose and me with profound fear in her eyes and pleaded, "What should I do, guys?"

Wednesday morning we were there early. Moose and I dropped our G-28 off at the CBP office. We informed the head of the Port of Portland CBP, John Barnes, that as Alia's lawyer, 1) I was demanding to speak with her, 2) they were not to deport her until I had spoken with her, and 3) she was demanding to speak with her consulate officer (key phrases we learned the night before while standing amongst a bunch of ALCU/AILA folks). We then headed

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to the airport to meet up with her family. On the way we spoke with the most helpful person during this whole ordeal...Whitney with Sen. Merkley's office. She had some great insights, said she knew all the characters involved, would make some calls, and assured us Sen. Merkley was upset and working on things.

We learned Alia was back at the airport and being prepped to be flown back to Amsterdam. We tried to engage CBP further at the airport without success. We walked the mezzanine trying to formulate a new game plan. This is when I received an email that Rep. Blumenauer's office confirmed Alia was on a morning flight back to Amsterdam. I was confused because I knew there was a 1:24 PM flight to Amsterdam and I wasn't sure there were two flights from Portland to Amsterdam on the same day. I didn't want to tell her sister Leila that all hope was gone. So, I called Mr. Barnes, head of Portland CBP, and he told me he'd instructed Chief Robinson to allow me to talk to Alia, who was still in the airport.

I spoke with Alia by phone with the assistance of Farnoosh Bates, a most excellent paralegal and interpreter. I used every buzzword I'd learned over the last 12 hours and ended the call by telling Chief Robinson that Alia was expressing a credible fear of injury/death if returned to Iran. At that point, CBP was required to offer her a "credible threat hearing" and interview with an asylum officer.

A "credible threat hearing" prevents CBP from putting her on a flight back to Amsterdam, but it does not get her out of detainment. She was not granted "parole" by CBP, so she was then sent up to the ICE facility in Tacoma. There is a possibility she can get bond and release from custody for the time she waits for her hearing. Moose and I told the family at this point they must find a lawyer well versed in immigration law.

While the family knows we can't help them with their legal battle, they continue to update and thank us. They put their complete faith in a few criminal defense attorneys with practically no knowledge of immigration law but with a fervent belief in justice.


I've written this to ignite a fire in other lawyers. Moose and I were inspired by the spirit of Stu Sugarman. I hope you had the

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pleasure of knowing Stu, a tireless champion of public interest and helping the little guy. When most of us saw injustice and unfair treatment we'd be bothered by it, complain about it, and think something should be done. Stu got stuff done! Stu organized volunteers to help those who needed it most, but could afford it the least.

Some lawyers, like Edie Rogoway, have taken up the immigration call-to-arms and worked to organize lawyers, but it's incumbent on the rest of us to step up and take action. As lawyers, we possess the special and powerful ability to accomplish great things. The mere fact that we have bar cards and the title "Attorney" means people are more likely to pay attention to us, news media will reach out to us, and government officials are forced to listen. All it requires is our time and willingness to lend an ear, to listen and show some empathy.

We also must accept that we are unlikely to receive thanks or admiration from anyone except from those who know us. We all know OCDLA and what we do is under/unappreciated. For example, I continued to express to the media that Moose and I were there due to our affiliation with OCDLA. But, if you look at the news, it's the ACLU who's taking, and being given, credit for lawyers helping this family.

Friends, thanks for indulging me in reading this and please keep fighting the good fight. Think about Stu and remember how he never tired of fighting for what he knew, in his heart, was right. He was never swayed by the government, the powerful, or the lack of recognition he deserved. Please find whatever it is that inspires you and continue to make OCDLA proud. 



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