

THE 2017 CLAY AWARDS

The 21st Annual California Lawyer Attorneys of the Year

IMMIGRATION

SEEKING JUSTICE FOR DEPORTED VETERANS

Pro Bono

A team led by Latham & Watkins LLP partner Colleen C. Smith represented the first U.S. veteran to have his citizenship application approved for his military service while being unable to reside in the U.S. legally.

Latham also became the first and only firm to collaborate with the ACLU of Southern California on its deported veterans project. The project's purpose is to bring awareness to the deportation of noncitizen military veterans who might qualify for naturalization because of their service.

"We view this as a very meaningful project," Smith said. "The ACLU's goal and our goal ... is to bring more attention to the issues which will help these veterans in the process. We think this is very important work."

Through their work with the project, Latham attorneys discovered Daniel Torres, a U.S. Marine living in Tijuana, Mexico after having left the United States. With no legal status in the U.S. and unable to enter his adopted country, he had no access to veterans' benefits to which he was entitled.

James A. Erselius, an associate

at Latham and co-lead for Torres' case, said Torres could not return to the U.S. after he lost his wallet in 2011 containing his identification. Authorities issuing the new identification discovered he was living in the U.S. without permission. He had been honorably discharged, Erselius said.

"He didn't know he was eligible to naturalize until our involvement," Erselius said. "A lot of veterans don't have the knowledge when this happens."

Taiga Takahashi, another associate at Latham and co-lead on Torres' case, said military recruiters or commanders sometimes do not inform service members of the potential to naturalize. The military isn't being malicious, he said, immigration law is complicated.

"So it's easy for those like Daniel to slip through the cracks," Takahashi said. "They never took the extra steps that would get them their citizenship."

The main hurdle in helping Torres to achieve citizenship was navigating a legal process still not widely practiced. "There were legal issues that came up in the interview about how he enlisted in the Marines and how he was discharged," Erselius said.

Physical limitations were also challenging, Erselius said. It was "getting him into the country in the first place to get his application to ... the government agency responsible for naturalization



COLLEEN SMITH of Latham & Watkins LLP

applications, and to get him into the States for his interview," Erselius said.

Their biggest hurdle was getting the U.S. Citizenship and Immigration Services to issue a visa for Torres, Erselius said. Their request was initially denied but they persisted. Torres was naturalized the same day as his interview, Erselius said.

Smith said it was most helpful that Torres was prepared for his interview.

"Having an attorney helped prepare him for the interview," she said. "It was very, very helpful to him and will be helpful

to others with more complicated issues. Each case is different considering the different immigration laws."

Attorneys from Latham are representing other veterans with situations similar to Torres', including veterans in Ecuador, India and Mexico.

Smith said they will help as many as they can. "To bring awareness to the project and the work we have done will prompt others to get involved," she said. "Veterans like Mr. Torres are entitled to citizenship. They just need a little help in the process."

— Renee Flannery