



IN THIS ISSUE:

- ▶ Simpson Thacher Advises on Legal Options for Afghan Refugees and Represents 14 Afghan Evacuees Seeking Asylum in the United States
- ▶ The Firm, ACLU and ACLU-MS Secure Consent Decree in Federal Anti-Muslim Bias Lawsuit
- ▶ The Firm Announces Launch of ACCESS by Simpson Thacher
- ▶ Simpson Thacher Obtains Release for Client Improperly Detained at MDC Brooklyn Detention Center
- ▶ Simpson Thacher Team Obtains Asylum After 6-Year Representation
- ▶ Simpson Thacher Assists Organization Focused on Disabilities in Obtaining Tax Exemption
- ▶ Simpson Thacher Team Obtains SIJS and Permanent Residence Status for Unaccompanied Child After 5-Year Representation
- ▶ Awards, Events & Mentions

Simpson Thacher Advises on Legal Options for Afghan Refugees and Represents 14 Afghan Evacuees Seeking Asylum in the United States

In July 2021, with conditions in Afghanistan deteriorating, the Firm began to assist the International Refugee Assistance Program (IRAP) to put together materials to assist Afghans looking to leave the country for fear of Taliban rule. The first project we completed was to provide a comprehensive list of countries where Afghans could travel without onerous visa requirements. For each country identified, our lawyers reported on the refugee protection program, if any, in the countries of flight; the ability of refugees in those countries to work, pursue an education, and live freely; and the penalties, if any, imposed upon individuals living in the countries of flight without lawful immigration status. By late August 2021, groups of Afghans began to be evacuated to the United States, and IRAP engaged the Firm to produce a series of country conditions memos to be used by attorneys across the country who would be representing these refugees as they sought asylum and other immigration remedies in the United States. The memos included Afghanistan country conditions for Hazaras and other religious minorities,

men of military age, single women, and journalists and members of the media. Our attorneys also produced a database of potential experts, including academics and government officials, who might be available to provide affidavits and other testimony about these issues on an as-needed basis. The Simpson Thacher lawyers who participated in this work include Counsel **Vanessa Burrows**, Associates **Jeffrey Bohme**, **Amy Dawson**, **John Dougherty**, **Peter Farag**, **Katherine Hardiman**, **Jonathan Hoffman**, **Sheryl Koretz**, **Patrick Kratzenstein**, **Daniel Levien**, **Justin Lim**, **Luqman Meedin**, **Emma O'Hara**, **Nicholas Orr**, **Danielle Robinson** and **John Santacruz**.

In the Fall of 2021, the Firm joined two coalitions of law firms representing Afghan citizens, who had been recently evacuated from Kabul under harrowing conditions, as asylum seekers in the United States. Simpson Thacher lawyers engaged six female students from the Asian University for Women in Bangladesh who were studying in Kabul, and a reporter covering Afghanistan for *The New York Times* and seven of his adult family members, all of whom feared targeted persecution from the Taliban. This work is ongoing and we hope to be able to help these clients obtain legal status in the United States

where they can live and work safely and freely. The Simpson teams working with these 14 clients include Partners **Mark Brod** and **John Ericson**, Senior Counsel **Beate Krieger**, Counsel **Jacque Edwards**, Associates **Megan Bourassa**, **Grace Bowers**, **Nick Cunha**, **Sawyer Dean**, **Lena Dennington**, **Miatta Echetebe**, **Peter Farag**, **Kristy Fields**, **Yonah Goldschmidt**, **Iram Huq**, **Anna Jarman**, **Jacob Kornman**, **Belinda Li**, **Andrew Mandelbaum**, **Amanda Miller**, **Albert Murzakhanov**, **Mark Natividad**, **Kate Nelson**, **Emma O'Hara**, **Michael Palizkar**, **Danielle Robinson**, **Natalie Sherburne**, **Jessica Shieh**, **Taylor Sutton**, **Isaac Syed**, **AJ Tagliaferri**, **Lola Tang**, **Clark Vaughn**, **Rob Vogel**, **Sam Wechsler** and **Megan Whitman**, with oversight as assistance from Partners **Olga Gutman**, **Brian Rosenzweig** and **Alan Turner**.



The Firm, ACLU and ACLU-MS Secure Consent Decree in Federal Anti-Muslim Bias Lawsuit

Simpson Thacher, the American Civil Liberties Union (ACLU) and the American Civil Liberties Union of Mississippi (ACLU-MS) secured a consent decree on January 3, 2022, that favorably resolved a federal lawsuit, *Abraham House of God v. City of Horn Lake*, filed against Horn Lake, Mississippi officials who unlawfully denied zoning approval for a proposed mosque due to anti-Muslim bias. Under the terms of the consent decree, the City of Horn Lake and the other Defendants have agreed to approve plans to permit construction of the first mosque ever in DeSoto County, Mississippi.

ACLU, ACLU-MS and Simpson Thacher filed the federal lawsuit on November 3, 2021, on behalf of the mosque and its founders, noting that the City's actions violated the federal Religious Land Use and Institutionalized Persons Act, which provides heightened protections for houses of worship in zoning proceedings, and the Free Exercise Clause of the First Amendment to the U.S. Constitution.

The complaint asked the U.S. District Court for the Northern District of Mississippi to issue an injunction allowing construction of the mosque.

Under the consent decree, in addition to approving the mosque's site plan, which they previously rejected, Horn Lake officials must also act quickly in the future to address any other permitting and building-related matters. The order also provides that the Defendants will pay Plaintiffs \$25,000 for expenses incurred in appealing the denial of the mosque-site application and pay for Plaintiffs' [attorneys'] fees and costs associated with the federal lawsuit. The federal district court will have continuing jurisdiction over the action for a period of five years to facilitate the enforcement of the consent decree. The Simpson Thacher team included Partner **Jonathan Youngwood**, Senior Counsel **Janet Gochman**, and Associates **Avia Gridi** and **Christopher Kraft**.

The Firm Announces Launch of ACCESS by Simpson Thacher

The Firm recently announced the launch of ACCESS by Simpson Thacher, a digital tool that enhances pro bono collaboration among clients, volunteers and legal services organizations. The platform, which creates a hub for training, client matter management and communication, has been deployed by Simpson Thacher's pro bono team for clinics since February.

News of the announcement was highlighted in a *Law360* article titled, "Simpson Thacher Launching Digital Tool For Pro Bono Work." In the story, **Linton Mann III**, a Litigation Partner and Co-Chair of the Firm's Knowledge, Innovation and Technology Committee, noted that both innovative thinking and pro bono work are a part of the Firm's culture, explaining how this technology "leverages those two values together, enabling us not only to facilitate wider access to lawyers who are interested in engaging in pro bono, but also helping us to reach a broader group of individuals who need assistance."

ACCESS BY Simpson
Thacher

Simpson Thacher Obtains Release for Client Improperly Detained at MDC Brooklyn Detention Center

The Firm represented a client as part of the Criminal Justice Act Panel in the Southern District of New York, who was finishing a 6-month sentence in a

halfway house, where she was working full time and awaiting being reunited with her three children. On the client's birthday, her boss gave her a bottle of alcohol, which she knew she could not have, so when she returned to the halfway house, she proactively gave it, unopened, to the supervisor on duty. The supervisor nonetheless wrote her up for a violation, and she was thereafter put into solitary confinement at the MDC Brooklyn Detention Center. The Simpson Thacher team, Partner **Brooke Cucinella** and Associates **Kelsey Vickery** and **Isabel Mattson**, filed an emergency motion a day later asking for the client's release, which was granted, leading to the client's release.

Simpson Thacher Team Obtains Asylum After 6-Year Representation

On February 10, Simpson Thacher, together with the Immigrant Justice Project of the New York City Bar, obtained asylum for our client, a refugee from Honduras, and her 11-year-old son, who fled an abusive marriage which she was forced into at age 15. The Simpson Thacher team began its representation of the client in August 2016. Between 2016 and 2022, the New York immigration court continued her individual hearing three times. During that period, the team filed a brief and a supplemental brief in support of the client's asylum application, as well as numerous supporting affidavits and other materials, in addition to assisting the client and her son in related matters.

In a remote hearing, the Simpson Thacher team demonstrated that the client suffered past persecution in Honduras on account of her membership in the particular social group of Honduran women unable to leave their marriages. The team also showed that it would be dangerous for the client to return to Honduras both because the country's government fails to protect women from domestic violence and because the client's husband remains a threat to her. The Immigration Judge granted asylum, and the government, which conceded the client's credibility, waived appeal. After the hearing, the client said: "This is the best day of my life."

The Simpson Thacher team included Partner **Brooke Cucinella**, Associates **Rachel Sparks Bradley**, **Rebecca Sussman**, **Jacob Lundqvist**, **Avia Gridi**, and **Taylor Sutton**. Pro Bono Coordinator **Maria Gonzalez** also provided invaluable translation and other assistance.

Simpson Thacher Assists Organization Focused on Disabilities in Obtaining Tax Exemption

Attorneys at the Firm assisted Joyeux Foundation US, an organization focused on individuals with disabilities which expects to provide job training and employment opportunities to disabled individuals, educate the public about disabilities and demonstrate the benefits and power of inclusion. The organization will operate a café in New York City that serves as a campus for its job training, employment, and public education. The Simpson Thacher team, advised Joyeux Foundation US on the federal and state tax-exemption processes and prepared its articles of incorporation and bylaws. The Simpson Thacher team, Senior Counsel **John Bennett** and Associates **Heather Lee** and **Jonathan Mitnick**, advised Joyeux Foundation US on the federal and state tax-exemption processes and prepared its articles of incorporation and bylaws.

Simpson Thacher Team Obtains SIJS and Permanent Residence Status for Unaccompanied Child After 5-Year Representation

In February 2022, the Firm successfully assisted an individual from El Salvador in obtaining permanent residency in the United States. The Simpson Thacher team, Partner **Sara Razi**, Associate **Sarah Routh**, Paralegal **Emily Soule**, and Assistant **Paola Bracho**—began representing the client in the summer of 2017 after the client was referred to the Firm by Kids In Need of Defense's (KIND) Washington D.C. Office. The team first assisted the client with filing a petition for custody in Virginia State Court and later submitted an application for Special Immigrant Juvenile Status (SIJS) with the United States Citizenship and Immigration Services (USCIS). After the team successfully moved the Arlington Immigration Court to dismiss the client's immigration proceedings, USCIS granted the client's application for permanent residency.

Awards, Events & Mentions

On February 11, Pro Bono Attorney **Nihara Choudhri** moderated a panel on correcting unjust sentences in Louisiana habitual offender cases, which included Colin Reingold, Director of Strategic Criminal Litigation at The Promise of Justice Initiative, Simpson Thacher Partner, **Tyler Robinson**, and Associates, **Evan Gilbert**, **Allison Moore** and **Geoffrey Schmelkin**. The

panel discussed the Firm's partnership with The Promise of Justice Initiative and our pro bono work reviewing cases of predominantly Black individuals languishing in Louisiana prisons for non-violent convictions because of the state's Habitual Offender Law, which required courts to impose excessively long sentences on repeat offenders. Under a newly enacted law permitting resentencing agreements between prosecutors and defense counsel, the District Attorney for Orleans Parish is revisiting these unjust sentences and agreeing to resentencing agreements in appropriate cases. Since launching the program in October of 2020, five of the individuals whose cases the Firm has reviewed have been released from prison.



Simpson Thacher Attorneys Honored at 2021 Pro Bono Publico Awards

Partner **Mary Beth Forshaw**, Pro Bon Attorney **Nihara Choudhri**, and Associate **Jonathan Schwartz**, along with former colleagues Ari Pruzansky and Taylor Steele have been honored by the Legal Aid Society of New York as a part of its 2021 Pro Bono Publico Awards. The team is being recognized for their work on behalf of New Yorkers with criminal convictions seeking Certificates of Relief from Disabilities (CRD). A CRD is a way to remove certain collateral consequences of a criminal conviction, by entitling the holder to a presumption of rehabilitation. Legal Aid annually recognizes the outstanding work of its volunteers—which include

lawyers and law firms, among others—who contribute their time and talent to provide legal services to low-income New Yorkers.

Simpson Thacher Associates Speak on Sanctuary for Families' Incarcerated Gender Violence Survivors Initiative Panel

Litigation Associates **Jerry Fang** and **Shanice Hinckson** were featured speakers on a Sanctuary for Families' panel titled "Pathway to Justice: Sanctuary's Incarcerated Gender Violence Survivors Initiative (IGVSI)," on January 19. The panel discussed Sanctuary for Families' IGVSI, which was created to address the injustices suffered by victims of gender violence at the hands of the criminal justice system. Panelists also discussed their pro bono work in this space, among other topics.

Simpson Thacher Associate Speaks on The New York Times Afghan Asylum Pro Bono Project Panel

On Tuesday, January 11, 2022, Litigation Associate **Daniel Levien** spoke on a panel with *The New York Times*' General Counsel Diane Brayton, Vice President and Deputy General Counsel David McCraw, reporter Fatima Faizi and others concerning the crisis in Afghanistan and resulting challenges for asylum seekers. The session also provided a substantive overview of U.S. asylum law. Simpson Thacher is participating in *The New York Times* Afghan Asylum Project, along with other law firms and charities, to support evacuated Afghan journalists and other employees of *The New York Times* who are seeking asylum in the United States.

Please send
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