

# JENNIFER A. RIKOSKI

## Ropes & Gray

LAWYERS  
OF THE  
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When Jennifer A. Rikoski first saw the news coverage of migrant parents and children being separated at the Mexican border last spring as part of the Trump administration's "zero tolerance" border-enforcement policy, she was horrified.

She immediately jumped on a plane to Texas to see how she could help. The idea wasn't totally crazy. Rikoski is an employee benefits lawyer, but she's maintained a pro bono immigration practice for more than a decade. In fact, she helped the Iraqi translator for then-Marine, now-U.S. Rep. Seth Moulton secure asylum in 2006, and she was part of the team of attorneys that showed up at Logan International Airport last winter to fight the administration's Muslim travel ban.

Upon arrival in Texas, Rikoski showed up at the federal courthouse where she recognized an attorney she had seen interviewed on CNN the day before and who was spearheading efforts to reunite separated families. Rikoski walked up to him, said she was with Ropes & Gray in Boston, and asked what she could do.

"His eyes got huge," Rikoski recalls. "He said, 'I went to Yale and know a lot of people who ended up there. How many cases can you handle?'"

Rikoski's response: "I don't know, but I'm happy to start taking them."

At that moment, the Ropes & Gray Border Initiative was born. Rikoski mobilized a team of more than 100 attorneys and dozens of paralegals, staff and support members from 10 offices. For seven weeks last summer, Rikoski's team took on dozens and dozens of clients, fighting to reunite separated parents and children and helping them work through the asylum process.

In total, 75 parents and children were reunited with the team's help. Some have returned home while others are in different stages of immigration proceedings. But as of the fall, all were out of detention facilities.

"I understood that not all of them would have a path toward staying," Rikoski says. "But the unfairness of the process deeply troubled me. And I felt that, as lawyers, we could bring order and decency to how these people were treated."

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### What was the most challenging aspect of putting together and overseeing the Ropes & Gray Border Initiative, and how did you handle it?

On any immigration case where there's a humanitarian component, the hardest part is hearing stories of what's happened in their home countries. Everything from a 14-year-old girl being kidnapped and becoming a sex slave to the head of a gang, to people being kidnapped. ... [In this instance,] I knew that for so many of these parents my presence there and my colleagues' presence finally would give them some semblance of hope that they would see their children again.

### What obstacles did the Trump administration put in your path in terms of reuniting families?

The government kept moving people in the middle of the night between detention facilities. We'd show up one day, meet with a client, and plan to meet with her again the next day. Then we'd show up and she wouldn't be on the list anymore, and it would take some time to find out she had been moved out of state or within the state to another detention facility.

And one of the hardest things was figuring out where the children were during the first few weeks. We addressed this through persistence. Finding a person within the government willing to share information and having a constant stream of Ropes lawyers on the ground who could show up at an official's office and



Photos by Merrill Shea

say, "I'm trying to find this person. She's a client; she's been moved. Can you please help me locate her so we can continue our representation?"

### How did you get attorneys who focus on other areas of the law up to speed so they could effectively handle "credible fear hearings" and other unique aspects of the immigration process?

I was very careful to choose a team of people with immigration experience, most of whom were Spanish-speaking. We also made it very clear they were entrepreneurs, helping us write the book on how to represent these families. We told them, "You are going to be working on same document that I am, laying out all the instructions on how to represent these families." They wrote the unofficial guide and asked colleagues to update as they learned new things and asked them to continue to update every week.

### What was it like emotionally to be in the middle of this crisis?

I've never had a poker face in my immigration cases, and if I have a client who cries, I cry, too. I can't help it. But at the end of the day, it ends up being an effective way to build trust. ... When I walked out of the detention facilities that first week, I remember commenting to a colleague that I'd never seen so many

grown men cry in my life. All the dads, one after another, they lost it while talking to me.

### Some people insist that, as harsh as it seems, family separation is a necessary means of deterring unauthorized border crossings. How would you respond?

It's cruel. We as a country are better than that. The trauma that we have inflicted on people who are already traumatized because of things that have happened in Honduras and El Salvador and elsewhere in Central America — to think that we the people, the U.S., have done that to them is so heartbreaking to me.

And no, I don't think it's an effective deterrent. If, as a policy matter, we would like to stem the flow of people crossing our southern border, there are so many ways other than separating parents from children.

### What would be a better way to maintain secure borders in a manner that still upholds American values?

I'm not a policymaker, but I would say there are laws and we should be following the laws. The recent announcement that we wouldn't allow people to seek asylum at the southern borders except at an official border crossing is in violation of federal law and various international conventions the U.S. has signed onto.

— Eric T. Berkman