

# SERVING THOSE WHO SERVE

BY GUEST WRITER PROF. DAVID THRONSON

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Keeping families stable and together is rarely easy. The task can be greatly complicated by the complexities of immigration laws that set parameters that sanction and proscribe family decisions about where and with whom to live. When a family member serves in the military, the task of reconciling family decisions with immigration law can become all the more difficult and important. Service in the military opens some avenues not otherwise generally available within the immigration system, such as shortened time to naturalization. But military service simultaneously creates barriers and difficulties that make an already difficult legal system even more challenging. Meeting these challenges is important, however, as “the assurance that ... spouses, children and other family members are safe and well is critical to servicemembers’ mission readiness, focus and effectiveness in protecting the United States.”<sup>1</sup>

Since the Immigration Clinic of the Thomas and Mack Legal Clinic opened seven years ago, it has represented hundreds of individuals and families from approximately 30 different countries in finding their way through the maze of immigration law. Among the clinic’s past clients are noncitizens drawn from the 31,000 noncitizens serving in the armed forces as well as U.S. citizen servicemembers and veterans with noncitizen family. Their efforts to reunite with family members demonstrate some of the challenges that arise when immigration law interacts with military service.

For example, reuniting a U.S. citizen servicemember with a spouse – married while posted abroad – and children should be fairly routine. Yet the shifting deployments of military personnel can create practical issues for a slow-moving bureaucracy in scheduling required interviews or hearings. Moreover, the types of evidence that immigration adjudicators seek to establish the bona fides of young marriages can be difficult to present for couples separated when a servicemember is deployed elsewhere.

Even for servicemembers and veterans in the United States, service to country provides no relief from narrow and harsh immigration laws that often limit opportunities

for family members to acquire legal immigration status. For example, a disabled veteran with limited earning potential because of service-related disabilities still must meet stringent sponsorship requirements to guarantee that immigrating family members will not become public charges. Also, immigration law simply does not provide a path to legalization for all, and even spouses and children of military personnel may find themselves without the ability to regularize the status of their family members. In such instances, living together with family may only be possible outside the United States, which effectively would end the service members’ continued ability to serve.

The practice of immigration law in the clinic provides student attorneys with a range of opportunities to advocate in a complex area of the law working with clients for whom the stakes are no less than the ability to remain in the United States with their families. And this work provides a much-needed source of quality legal representation to struggling families, including those of servicemembers and veterans. Dozens of Boyd clinic students have worked on cases for military families, and all of our clinic students have been exposed to such cases. Students learn that effective representation often involves reaching beyond the normal boundaries of legal specialties and professional identities. For example, representing a veteran in an immigration matter may require research deep into matters of public benefits law and may involve as much work from social workers as from lawyers. The interdisciplinary approach of the clinic provides a strong base of training to find the resources needed for each case.

Effective legal representation also may require pushing beyond the limits of current law. Clinic students learn to look beyond individual cases to understand the way in which legal systems and societal institutions frame the choices that people face. This connection of the individual case to broader systems, in turn, provides a grounded basis for educational outreach efforts and reform advocacy from the clinic. When students, for example, provide analysis of pending federal legislation, such as the Lance Corporal Jose Gutierrez Act

of 2008<sup>2</sup> which would ameliorate some of the peculiar challenges that face noncitizen servicemembers, they analyze proposals for systemic change through the lens of the actual experiences of their clients.

The work of the immigration clinic to keep families together is invariably meaningful. When this work involves assistance to military servicemembers, veterans and their families it provides a rich opportunity to give back to those who sacrifice and serve. **NL**

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1 Susan E. Timmons and Margaret D. Stock, Immigration Issues Faced by U.S. Servicemembers: Challenges and Solutions, 43 Clearinghouse Review 270, 273 (2009).

2 H.R. 6020.

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