

Charles Shane Ellison
Duke University School of Law
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CURRENT APPOINTMENT

Duke University School of Law

Clinical Professor of Law (Teaching), July 2022-Present
Supervising Attorney, Immigrant Rights Clinic, July 2020-Present
Senior Lecturing Fellow, July 2020-June 2022

Co-teach the Immigrant Rights and Advanced Immigrant Rights Clinics. Supervise students in their representation of immigrant clients before U.S. Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), Executive Office for Immigration Review (EOIR), and U.S. Courts of Appeals. Assist with leading community outreach and education, developing *pro bono* student opportunities, and advancing both local and national advocacy strategies.

Teach Course on Race and Immigration, which examines the role race has played since the birth of the United States in driving immigration policy both in terms of who is permitted to enter the United States and who is targeted for detention and removal. Topics include the Chinese Exclusion Act, national origin quota system, Japanese internment, Bracero program, post-9/11 registration, expansion of immigration enforcement through the criminal justice system, DACA rescission, the travel bans, and border policy.

PAST APPOINTMENTS

Creighton University School of Law

Director of Creighton Immigrant and Refugee Clinic, Special Assistant Professor of Law, August 2017-June 2020

Launched Creighton Law's inaugural clinic focused on representing asylees and refugees. Taught students lawyering skills within the context of U.S. immigration law through a weekly clinical course (and advanced clinical course) in addition to case strategy meetings. Supervised up to six students per semester in representing clients in affirmative and defensive claims for asylum, withholding, CAT, bond relief, SIJ, adjustment of status, naturalization, acquisition of citizenship, and TPS.

Adjunct Professor of Immigration Law, January 2015-May 2015

Taught course surveying U.S. immigration law and policy. In addition to analyzing current immigration legal issues through a constitutional lens, course coverage included nonimmigrant visas, family and employment-based immigration, and humanitarian relief with an emphasis on refugee and asylum law, grounds of inadmissibility/deportability, adjustment procedures, the removal process, and naturalization.

SELECT PAST EXPERIENCE

Immigrant Legal Center (formerly Justice for Our Neighbors-Nebraska (JFON))

Legal Director, February 2011-June 2020

Oversaw provision of immigration legal services throughout Nebraska and southwest Iowa for a 40+ employee organization. Provided supervision of senior/managing/supervising attorneys, staff attorneys, paralegals, and Department of Justice accredited representatives. Managed client caseload consisting of matters involving removal defense, asylum/withholding, special immigrant juvenile status with predicate orders, VAWA, u-visa, t-visa, r-visa, naturalization, acquisition of citizenship, TPS, NACARA, DACA, FOIA, *habeas*, APA, FTCA, consular processing, adjustment, waivers, stays of removal, and parole. Provided direct representation before Immigration Court, Board of Immigration Appeals, USCIS, ICE, Nebraska State Court, U.S. District Court for

District of Nebraska, and U.S. Courts of Appeals. Engaged in advocacy through impact litigation and working with state representatives. Developed Pro Bono Detainee Project to increase representation of low-income detainees. Developed Attorney of the Day Project to provide representation to unaccompanied minors in removal proceedings.

National Justice for Our Neighbors

Regional/Consulting Attorney, June 2013-June 2020

Senior Consulting Attorney, June 2020-December 2022

Led impact litigation efforts for JFON Network. Provided technical assistance, oversight, and organizational development to JFON sites in Texas, Michigan, Illinois, Virginia and Iowa.

Provided counsel to site attorneys. Assisted local Boards with capacity building, quality assurance of programs, and succession planning. Reported to National Executive Director in working to strengthen network of eighteen sites and forty clinics throughout the U.S.

New York Asylum Office; Refugee, Asylum, and International Operations; Department of Homeland Security

Asylum Officer, July 2009-February 2011

Adjudicated claims for asylum filed before USCIS. Conducted non-adversarial interviews, elicited testimony of applicants and witnesses, reviewed evidence, and heard arguments of counsel. Interpreted and applied Immigration and Nationality Act, federal regulations, case law, and international human rights law. Tasked to adjudicate sensitive cases. Finished first in class at USCIS Academy.

Acting Quality Assurance and Training Officer, August 2010-November 2010

Reviewed asylum decisions to evaluate the legal sufficiency of HQ review cases involving juvenile asylum claims, national security issues, diplomatic personnel, and cases likely to receive public attention. Counseled Asylum Officers on immigration law and procedure and conducted trainings on developing areas of law.

SELECT EDUCATION

Hofstra University School of Law, Hempstead, NY

Juris Doctor, *Cum Laude*, International Law Concentration, *May 2009*

G.P.A.: 3.68 **Rank:** Top 5% (19/367)

Honors: Annual Graduation Award for Excellence in Political Asylum Clinical Law, *Labor and Employment Law Journal* (Research Editor), Moot Court Association, Dean's List, Merit Scholarship

Trinity College, Deerfield, IL

Bachelor of Arts, *Magna Cum Laude*, Philosophy, Pre-Law Minor, *May 2004*

G.P.A.: 3.74

Honors: Dean's List, John Gyles Scholarship, Presidential Scholarship, Order of Purple Heart Scholarship

SELECT PUBLICATIONS

The Toll Paid When Adjudicators Err: Reforming Appellate Review Standards for Refugees, 38
GEORGETOWN IMMIGRATION LAW JOURNAL 143 (2024).

Appellate Review Standards of Denials of Asylum and Withholding of Removal, AILA FALL CONFERENCE
HANDBOOK (2023).

Dismantling the Wall, 20 MICHIGAN LAW REVIEW ONLINE 1; DUKE LAW SCHOOL PUBLIC LAW AND LEGAL
THEORY SERIES NO. 2022-26 (2022) (co-authored with Anjum Gupta).

Hot Topics in Asylum Law, AILA PRACTICE POINTERS (2022) (co-authored with Dree Collopy, Christine Lin,
and Caroline Walters).

Preparing Asylum Claims for Applicants Fleeing Nonstate Persecutors, AILA PRACTICE POINTERS (2021) (co-authored with Zachary Albus, Blaine Bookey, and Gabriela Brito).

Unwilling or Unable: The Failure to Conform the Nonstate Actor Standard in Asylum Claims to the Refugee Act, 52.2 COLUMBIA HUMAN RIGHTS LAW REVIEW 441; DUKE LAW SCHOOL PUBLIC LAW AND LEGAL THEORY SERIES NO. 2021-07 (2021) (co-authored with Anjum Gupta).

When All Else Fails: Relief Under the Convention Against Torture, AILA PRACTICE POINTERS (2020) (co-authored with Mark Frey, Valeria Gomez, and Anne Peterson).

Un(avail)able Protection: The Shifting Legal Landscape in the Eighth Circuit and Beyond for Asylum Seekers Fleeing Nonstate Persecution, 25 BENDER'S IMMIGR. BULL. 1061 (2020) (co-authored with Anjum Gupta).

Defending Refugees: A Case For Protective Procedural Safeguards In the Persecutor Bar Analysis, 33 GEORGETOWN IMMIGRATION LAW JOURNAL 2013 (2019).

Seeking Predicate Findings in Nebraska for Special Immigrant Juveniles, 21 THE NEBRASKA LAWYER 4 (2018) (co-authored with Kevin Ruser).

Being Deprived of the Right to Effective Counsel in Removal Proceedings: Why the Eighth Circuit's Decision in Raftiyev Must be Overturned, 49 CREIGHTON L. REV. 523 (2016).

The Ethics of Balancing Humanity and Lawyering, AILA PRACTICE POINTERS (2016) (co-authored with Michael S. Vastine).

Extending Due Process Protections to Unadmitted Aliens Within the U.S. Through the Functional Approach of Boumediene, 3 IDAHO CRITICAL LEGAL STUDIES JOURNAL 1 (2010).

SELECT PRESENTATIONS AND LECTURES

Refugee Law Initiative, 8th Annual Conference, School of Advanced Study, University of London, *June 2024*
Pacts, Promises and Refugee Protection
Panelist, *Approaches to Judicial and Administrative Decision-Making in the Asylum Field*

Harvard Law School Chapter of the American Constitution Society, *April 2024*
Panelist, Moot of counsel for respondent in *Department of State v. Munoz*

AALS 2024 Annual Meeting, Washington, D.C., *January 2024*
New Voices in Immigration Law Paper Presentation and Discussion

AILA Asylum Conference, Scottsdale, AZ, *September 2023*
Panelist, *Holding Adjudicators Accountable: Appellate Review of Asylum and Withholding of Removal*

American Immigration Council, *Strategic Immigration Litigation Convening*, Washington, D.C., *December 2022*
Discussant, *Saving Asylum: What Steps Can We Take to Preserve Access to Protection*

U.S. Department of Justice, Executive Office For Immigration Review, Legal Training Program, *July 2022*
Speaker, *Considerations in Analyzing Nexus*

National AILA Conference, New York, NY, *June 2022*
Panelist, *Hot Topics in Asylum Law (CLE)*

AALS Conference on Clinical Legal Education, *May 2022*
Speaker, *Law Students and Faculty Rising to the Challenge: Lawyering in Response to Humanitarian Immigration Crisis*

AALS 2022 Annual Meeting, *January 2022*

Speaker, *Law Students and Faculty Rising to the Challenge: Responding to the Afghan Crisis*

AILA Asylum Conference Webinar, *August 2021*

Panelist, *Unavailable Protection: Preparing Asylum Claims for Applicants Fleeing Nonstate Persecutors*

Mecklenburg Access to Justice Pro Bono Partners, *March 2021*

Speaker, *Navigating Ethical Issues Involved in Representing Special Immigrant Juveniles*

AILA Asylum Conference Webinar, *September 2020*

Panelist, *When All Else Fails: Relief Under the Convention Against Torture*

AILA Asylum Conference, Washington, DC, *October 2019*

Panelist, *Bars to Asylum and Strategies for Fighting Back*

AILA Federal Litigation, Chicago, IL, *March 2019*

Panelist, *Striving for Effective Advocacy: Brief Writing and Oral Advocacy*

AIC/Immigration Justice Campaign Webinar, *February 2019*

Co-presenter, *Matter of A-B-: Case Updates, Current Trends, and Suggested Strategies*

Creighton University, International Education Week, Omaha, NE, *November 2018*

Panelist, *Immigration Education Day*

University of Nebraska-Omaha, Human Rights Week, Omaha, NE, *October 2018*

Panelist, *Human Rights, Asylum, and International Law*

National AILA Conference, New Orleans, LA, *June 2017*

Panelist, *Asylum 101: Protecting Refugees in the United States*

AILA Iowa-Nebraska Annual Conference, Omaha, NE, *September 2016*

Panelist, *Asylum and SIJ*

National AILA Conference, Las Vegas, NV, *June 2016*

Panelist, *The Ethics of Balancing Humanity and Lawyering*

AILA Midwest Conference, Minneapolis, MN, *May 2016*

Panelist, *Advanced Asylum Issues*

Seventh Conference on Effective Representation of Refugees and Asylees, CLINIC, Omaha, NE, *March 2016*

Panelist, *Overview of Removal Proceedings*

National AILA Asylum Conference, San Antonio, TX, *February 2016*

Panelist, *Trauma: The Hidden Challenge of Asylum Representation*

University of Nebraska Medical Center, College of Public Health, Omaha, NE, *January 2016*

Grand Rounds Speaker, *The Intersection of Immigration Law and Healthcare*

Nebraska State Bar Association 2015 Annual Meeting, La Vista, NE, *October 2015*

Speaker, *Strategies for Representing Unaccompanied Children on Asylum and SIJ Cases*

University of Iowa Law School, AILA Iowa-Nebraska Fall Conference, Des Moines, IA, *September 2015*

Panelist, *Asylum Law Basics*

University of Minnesota Law School, Immigration Litigation in Federal Court, Minneapolis, MN, *January 2015*

Panelist, *Litigating Asylum Cases in the Eighth Circuit*

SELECT SERVICE, HONORS, AND AWARDS

Refugee Law Initiative, School of Advanced Study, University of London

Invited Senior Research Associate, *July 2024-Present*

Asylum Litigation Working Group chair, *August 2020-Present*; Member, *May 2016-July 2020*

Jack Wasserman Award (2023)

Co-recipient of the 2023 Jack Wasserman Memorial Award—one of AILA’s highest recognitions of achievement—given to attorneys for their excellence in litigation in the field of immigration law

Duke Law School

Duke Immigrant and Refugee Project (DIRP) supervising attorney of select projects, *August 2020-Present*

Public Interest and Public Service (PIPS) mentor, *March 2021-Present*

Criminal Defense Clinic Hiring Committee, *December 2022-February 2023*

Clinical Scholarship Workshop Series co-chair, *August 2021- May 2023*

Hardt Cup Judge, *April 2023*

Dean’s Cup Judge, *November 2021*

Clinical Faculty Logistics Committee, *July 2021-August 2021*

National Board of Immigration Lawyers, subcommittee of the National Board of Trial Advocacy, an American Bar Association Accredited Certification program, *July 2020-Present*

American Immigration Lawyers Association

National Amicus Curiae Committee, *July 2018-June 2024*

National Asylum Conference Committee, *May 2021-October 2021* and *July 2019-October 2019*

Chicago Asylum Office Liaison, *July 2015-June 2020*

Refugee Empowerment Center board, *March 2014-March 2017*

Nebraska State Bar Association

Immigration Law Section chair, *October 2013-October 2015*

SELECT LITIGATION EXPERIENCE

Albizures-Lopez v. Barr, 2020 WL 7406164 (9th Cir. 2020) (Co-counsel: Successfully advocated for the Court to vacate *Matter of E-R-A-L-*, 27 I&N Dec. 767 (BIA 2020).)

Galloso v. Barr, 954 F.3d 1189 (8th Cir. 2020) (Lead counsel: Successfully urged the Court to reject the harmful condone/completely helpless standard for non-state actors and adopted the unable/unwilling test.)

S.V. v. United States, No. 16-419 (D. Neb. 2017) (Lead counsel: Negotiated positive settlement of FTCA lawsuit against the U.S. for unlawfully arresting, detaining, and threatening deportation against a U.S. citizen juvenile.)

Aguinada-Lopez v. Lynch, 825 F.3d 407 (8th Cir. 2016) (Co-counsel: Successfully argued for the cognizability of family-based particular social groups in a petition for rehearing, whereupon the Panel vacated its earlier decision categorically rejecting such claims).

Sibrian, et al v. Johnson, et al, No. 15-139 (D. Neb. 2015) (Lead counsel: Settled suit against DHS and USCIS for unlawfully denying TPS clients’ adjustment of status applications, after which clients were granted relief).

Authored/coauthored *amicus curiae* briefs before Nebraska Supreme Court in *Ortiz Diaz*, 300 Neb. 646 (2018); Board of Immigration Appeals in *Matter of Negusie*, 27 I&N Dec. 347 (BIA 2018), *Matter of L-E-A-*, 27 I&N Dec. 40 (BIA 2017); U.S. Courts of Appeals in *Chreng v. Garland*, 20-2160 (1st Cir. 2021); *Nunez-Gonzalez*, 22-2276 (4th Cir. 2023); *Portillo Flores v. Barr*, 3 F.4th 615 (4th Cir. 2021), *Urrutia Amaya v. Garland*, 20-2193 (4th Cir. 2021); *Negusie v. Garland*, No. 21-60314 (5th Cir. 2021); *Al-Jibory v. Barr*, No. 19-3123 (6th Cir. 2019), *Saleh v. Barr*, No. 18-4033 (6th Cir. 2019), *Shakkuri v. Barr*, No. 18-4189 (6th Cir. 2019); *Cortez- Gaitan v. Lynch*, No. 16-1651 (8th Cir. 2016), *Keller et. al. v. Fremont*, 719 F.3d 931 (8th Cir. 2013); *East Bay Sanctuary Covenant et al. v. Biden*, No. 23-16032 (9th Cir. 2023); *Margarito Perez v. Garland*, No. 21-70087 (9th Cir. 2021); *Sylvestre v. Garland*, No. 20-71316 (9th Cir. 2021), *Pinchupa v. Sessions*, No. 18-70484 (9th Cir. 2018); *Solis v. Garland*, No. 21-9523 (10th Cir. 2022) and U.S. Supreme Court in *Texas v. Johnson*, 136 S.Ct. 2271 (2016).

SELECT ADVOCACY EXPERIENCE

Authored comment on a 2023 proposed regulation, USCIS-2022-0016, which unlawfully reduces access to asylum along the southern border of the U.S. The regulation is presently being challenged in court.

Authored a 2021 letter to DHS and DOJ urging the agency to promulgate a regulation clarifying that the state protection element of the refugee definition is satisfied where there is past persecution or a well-founded fear of future persecution, signed by 100 legal scholars across the U.S.

Authored comment on a 2020 proposed regulation, RIN 1125-AA94, which would have radically and unlawfully reduced access to asylum in the U.S. The regulation was enjoined before becoming effective.

Coauthored LB 826, a 2018 bill to protect SIJ eligible youth in Nebraska. LB 826 became an amendment to LB 670, which was signed into law on April 23, 2018.

Testified against LB 505, a 2017 anti-refugee bill aimed at creating onerous and legally dubious reporting requirements for refugee resettlement agencies in Nebraska. The bill died in committee.

Coauthored LB 947, a 2016 bill to provide professional and commercial licenses to work-authorized immigrants. Drafted technical amendments and talking points in support. It became law over Governor's veto.

Testified in favor of and provided technical support for LB 623, a 2015 bill to provide driver's licenses to recipients of DACA. LB 623 also became law over the Governor's veto.

Testified in August 2015 before the Nebraska Committee to the U.S. Commission on Civil Rights against LB 403, a 2009 bill improperly restricting state services for certain immigrants.

Co-lead successful 2014 campaign to end practice of honoring ICE detainer requests in targeted Nebraska jurisdictions, resulting in policy changes in Douglas and Lancaster counties.

Interviewed on immigration matters by Associated Press, Christian Science Monitor, ThinkProgress, North Carolina Public Radio, Lawfare, Law360, Des Moines Register, Omaha Public Radio, Omaha World Herald, Lincoln Journal Star and others.

ADMISSIONS

- U.S. Supreme Court
- U.S. Courts of Appeals for the Fourth, Sixth, Eighth, Ninth, and Tenth Circuits
- U.S. District Court for the District of Nebraska
- New York and Nebraska (authorized to practice federal immigration law pursuant to 8 C.F.R. § 292.1(a)(1))

CROSS-CULTURAL EXPERIENCE AND LINGUISTIC SKILLS

- Traveled within the Philippines, China, Mexico, Belize, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Jordan, Israel, Palestine, Turkey and Egypt
- Working professional proficiency in written and spoken Spanish