THE

UNDOCUMENTED

LAWYER

HBO

DISCUSSION GUIDE

TABLE OF CONTENTS

Welcome 3
Synopsis 4
Surveys 4
Using This Guide 5
Pre-Film & Post-Film Discussion 6
Key Terms 8
Discussion: Asylum 10
Discussion: Law & Status 12
Discussion: Perceptions of Immigrants 14
Discussion: Sanctuary 16
Take Action 18
FAQ 19
Watch Our Other Films 20
Credits 21

WELCOME

A Note from the Filmmakers

We met the film's main character, Lizbeth Mateo, in 2017 when a close friend was seeking legal representation in immigration court. We immediately knew she wasn't a typical lawyer — the fight for her clients was personal and impassioned.

At its core, Lizbeth's story demonstrates that sometimes it's necessary to ignore the law in an effort to fix it. Undocumented leaders like Lizbeth and her client Edith are on the front lines risking everything for more equitable immigration law. And the question is: Will our communities and elected officials join them in that fight.

Lizbeth says in the film that: "this country is about giving you the opportunity to actually fight." We believe she shouldn't have to fight alone. This film is meant to strengthen Lizbeth's existing community of supporters so she can continue to keep families, like Edith's, from being unjustly separated by an inhumane immigration system.

This discussion guide is a first step in challenging all of us to think deeper, activate new ideas, and start taking action.

— Zach, Chris, and Jenna

A Note from Lizbeth

I think more filmmakers and undocumented activists should work together like we're doing on this project. The filmmakers have involved me in every step of the process, respected my personal boundaries, and been clear about their goals for the film. Through community screenings, advocacy, and fundraising, we will make a difference for undocumented families in this country. I hope you'll join us in that fight.

— Lizbeth

SYNOPSIS

Lizbeth Mateo is an attorney in Los Angeles who started her own law practice, hired four employees, and took an oath to uphold the U.S. Constitution. She also has no legal options to stay in the country. Lizbeth is undocumented and does not have DACA status.

Since crossing the border at age 14, Lizbeth hasn't let her immigration status hold her back. Frustrated by an unjust system, she's drawing on her own experiences to fight for immigrant rights in the streets and in the courts.

Her latest client is Edith Espinal, a woman fighting deportation by taking sanctuary in a church. As the months turn to years, Lizbeth is running out of legal options to help. Lizbeth returns to her activist roots and teaches Edith to fight back—because sometimes you need to ignore the law in order to change it.

PRE-FILM AND POST-FILM SURVEYS

Surveys are an essential tool for independent filmmakers. They help us measure impact and make our films better in the future.

It would help us out a lot if you could:

Take this pre-film survey (3 min)
Take this post-film survey (5 min)

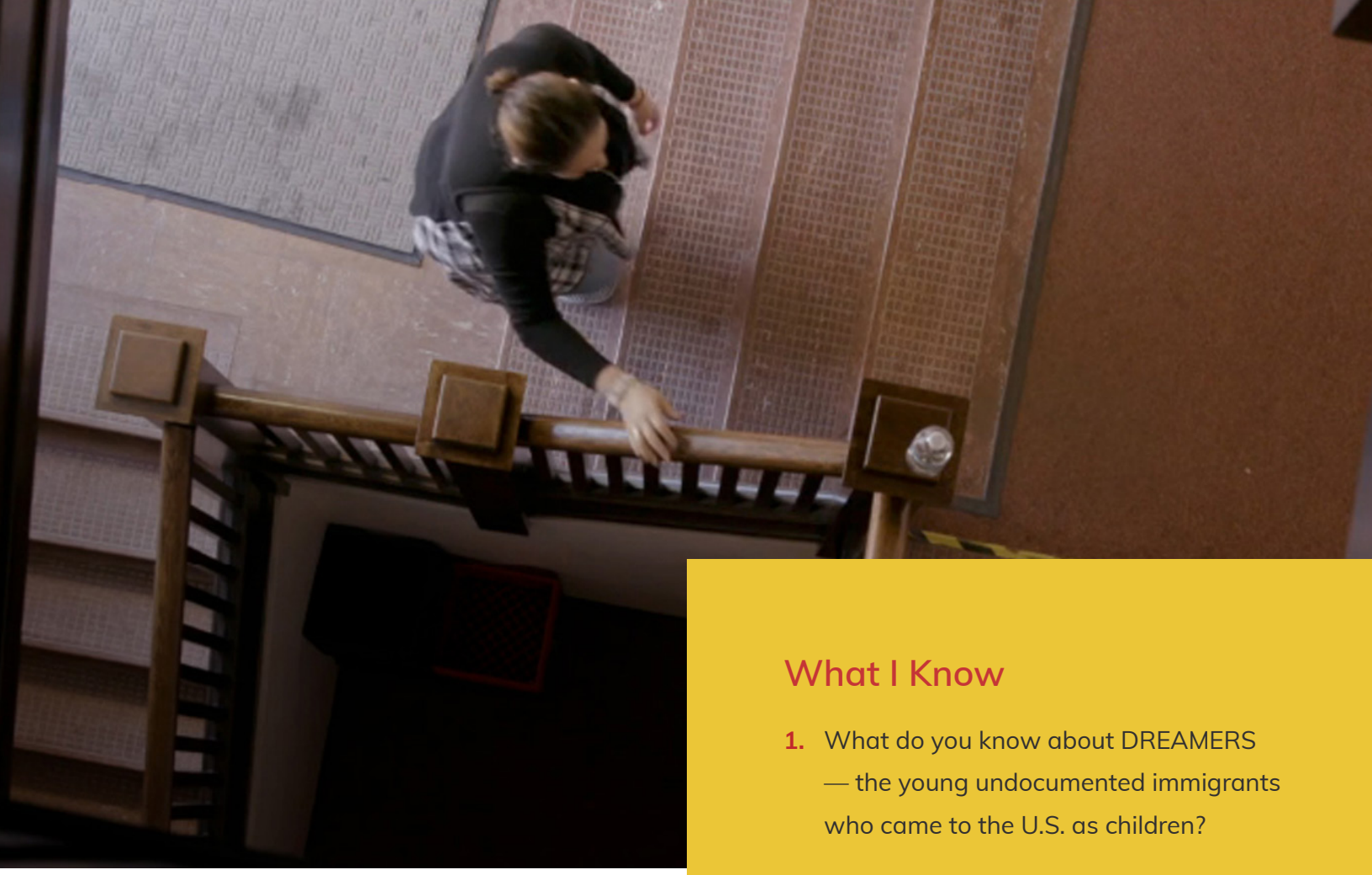
If you believe in our non-profit and the films we make, we would love to have you write a review of the film online on IMDB and Rotten Tomatoes. Like a Yelp review for a restaurant, these are critical to the film's success. Thank you so much!

USING THIS GUIDE

This discussion guide for *The Undocumented Lawyer* is designed to be used alongside screenings of the film, whether public or in your own home! It includes background information to deepen your understanding of issues and topics in the film, sample discussion questions, screening facilitation tips, extra resources, and ways to take action.

Topics like the ones covered in our film can elicit difficult conversations. To ensure a constructive discussion, we have provided a few community norms that your group may choose to adopt. You may also add to this list, or create your own! Here's an additional resource with more detail on thoughtful facilitation. If you're an educator, we also recommend reading this resource from *Teaching Tolerance* to better help your students who may be undocumented.

1. **Take Space, Make Space:** Take note of how often you are speaking, and make sure to hold time and space for others to share their thoughts.
2. **Call In, Not Out:** Everyone is here to learn. If you feel that someone made a hurtful comment, call them "in" to a conversation about the impact of their words. Calling someone "in" can help someone see a topic in a new way, while calling them "out" can cause them to back away from the topic altogether.
3. **Avoid Assumptions:** We all struggle with implicit bias and are on our own journeys to unlearn stereotypes. Before making an assumption about someone's experience or beliefs, allow group members to share their own truths. And remember that the opinion of each group member is his/hers alone. It does not represent the opinion or experience of anyone else.
4. **Acknowledge the Difference Between Intent and Impact:** During difficult yet important conversations, it is likely that one group member's comment may hurt or offend another group member. It is important that the speaker acknowledges that they made a group member feel bad instead of dismissing any hurt feelings. The speaker should seek to understand why the words impacted the other group member in that way.
5. **Language Matters:** The way that we speak about immigrants can serve to either challenge or reinforce negative stereotypes. When speaking of migrants, we recommend you use the term undocumented migrant (instead of illegal alien) or people-first language like "people without documentation" (instead of illegals).



PRE-FILM DISCUSSION

It's instructive to consider your own expectations and preconceptions *before* viewing this (or any) film. Ask yourself the right questions by taking our pre-film survey before you watch.

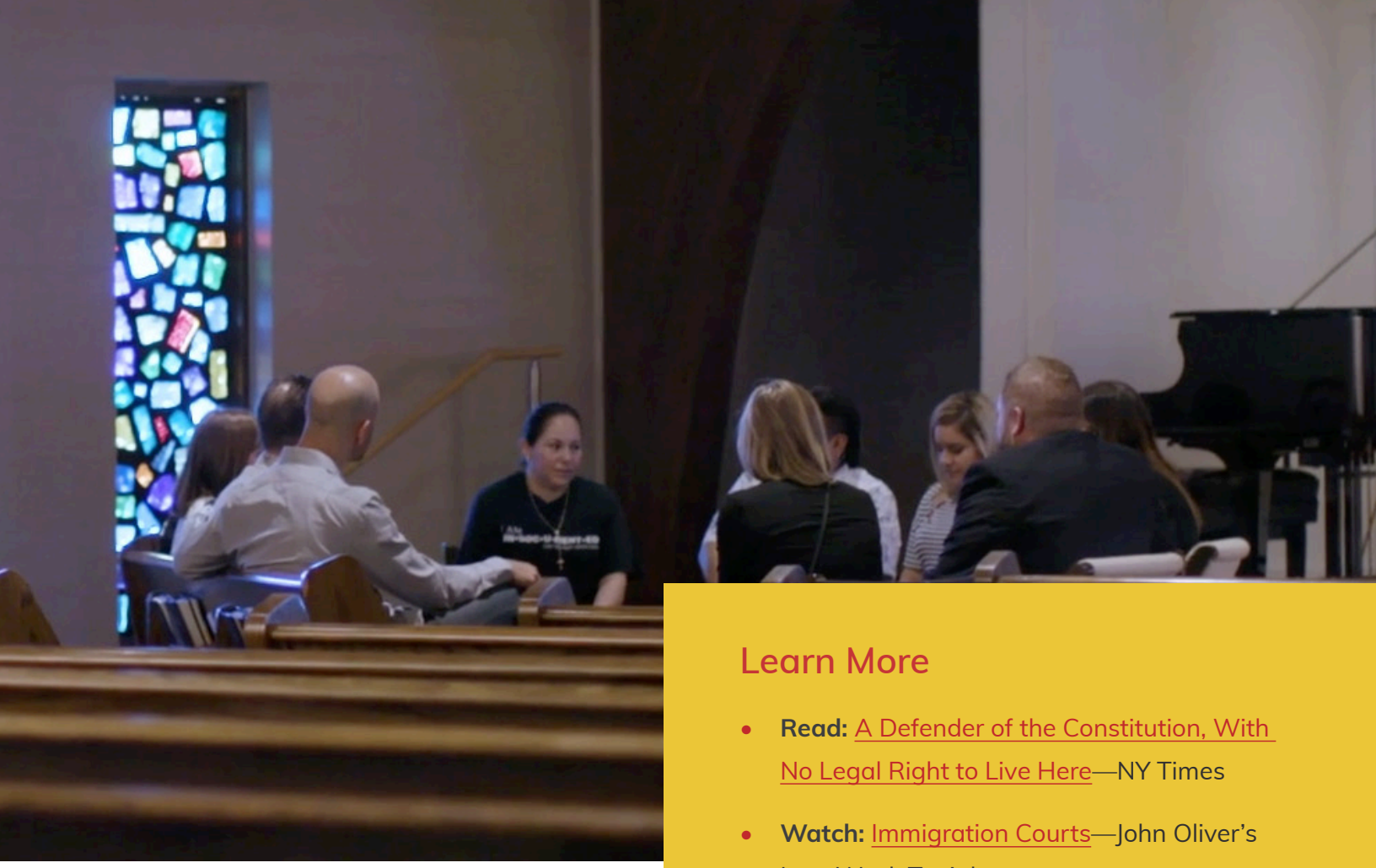
The following questions can help activate prior knowledge and establish a common understanding around key themes that will be discussed in the film.

What I Know

1. What do you know about DREAMERS — the young undocumented immigrants who came to the U.S. as children?
2. Who is granted asylum in the US?
3. What do you know about the sanctuary movement and churches taking in people to protect them from deportation?

How I Relate

1. What makes someone a good lawyer? What makes someone a good activist?
2. What are common stereotypes and images about undocumented immigrants who you have seen or heard of?
3. How do you perceive undocumented individuals and immigrants to be treated by our immigration system?



Learn More

- **Read:** A Defender of the Constitution, With No Legal Right to Live Here—NY Times
- **Watch:** Immigration Courts—John Oliver's Last Week Tonight
- **Listen:** The Undocumented Americans—NPR with guest Karla Villavicencio

POST-FILM DISCUSSION

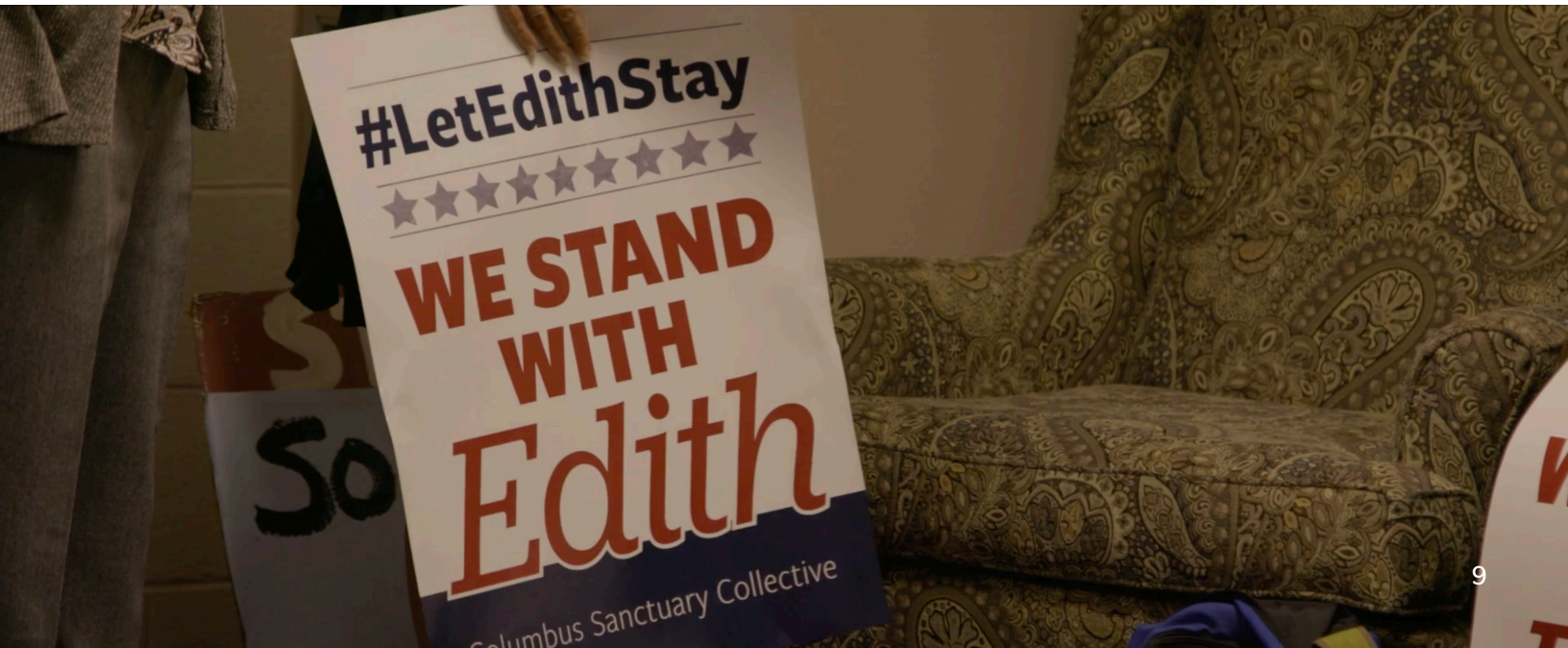
The following questions can help organize what was learned and felt while watching the film. After the discussion, make sure to fill out our post-film survey.

1. What did you learn that surprised you?
2. How did you feel about Lizbeth's approach to Edith's case?
3. Have you seen other examples of undocumented people helping undocumented people in a similar way?
4. Would you encourage a church or place of worship to provide sanctuary for someone like Edith?
5. When Lizbeth was applying to law school there weren't any undocumented lawyers. Have you ever pursued a goal without knowing that it is even achievable? What motivated you to go for it?

KEY TERMS

- **Asylum Seeker:** A person seeking refuge in the country in which he or she currently resides due to persecution faced in his/her native country.
- **Citizen:** A person who is legally recognized as a national by a given state.
- **Deferred Action for Childhood Arrivals (DACA):** An executive order to provide temporary relief against deportation. It does not provide permanent legal status and must be renewed every two years.
- **Dreamers:** Beneficiaries of the 2001 Dream Act. Has become a colloquial term for young undocumented immigrants who came to the U.S. as children.
- **Deportation/Removal:** Expulsion of a noncitizen from the United States. People who can be deported include noncitizens (including lawful permanent residents) with criminal convictions; visa overstays; refugee/asylum seekers; and those who entered without inspection (for example, by crossing the border unlawfully). Once removed, a noncitizen faces legal bars for a time period that prevent his or her return or sometimes they are permanently barred.
- **Emigration:** The act of individuals leaving one country to settle in another.
- **Immigration:** The act of individuals coming into one country from another.

- **Immigration and Customs Enforcement (ICE):** The bureau within the U.S. Department of Homeland Security (DHS) that enforces immigration laws and conducts the apprehension, detention and deportation of immigrants. ICE used to be part of what was known previously as the INS or Immigration and Naturalization Service.
- **Immigrant Detention:** The practice of holding individuals in government custody for immigration violations, such as illegal entry or visa overstay, during their removal proceedings. The facilities are often privately owned, and meet the legal definition of a "prison," which some prefer to call them.
- **Irregular Migration:** Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the country of origin, transit, or destination.
- **Migrant:** Defined by the International Organization for Migration (IOM) as any person who is moving or who has moved across an international border or within a state away from his/her habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is.
- **Resident:** Usually refers to individuals who are legally residing in a determined country.
- **Sanctuary:** States and localities that have laws, policies or regulations that make it harder for Immigration and Customs Enforcement (ICE) to track down and arrest immigrants they believe are deportable.
- **The Sanctuary Movement:** The pursuit of creating more places of safety and refuge for immigrants and refugees.
- **Undocumented Migrant:** Is a migrant who doesn't have all the necessary documents to lawfully stay in another country.



DISCUSSION: ASYLUM IN THE U.S.

Learning Goals

- Understand the current reality for asylum seekers in the U.S.
- Analyze what the United States' commitment to asylum should be.
- Discuss ways to support asylum seekers and the attorneys fighting their cases

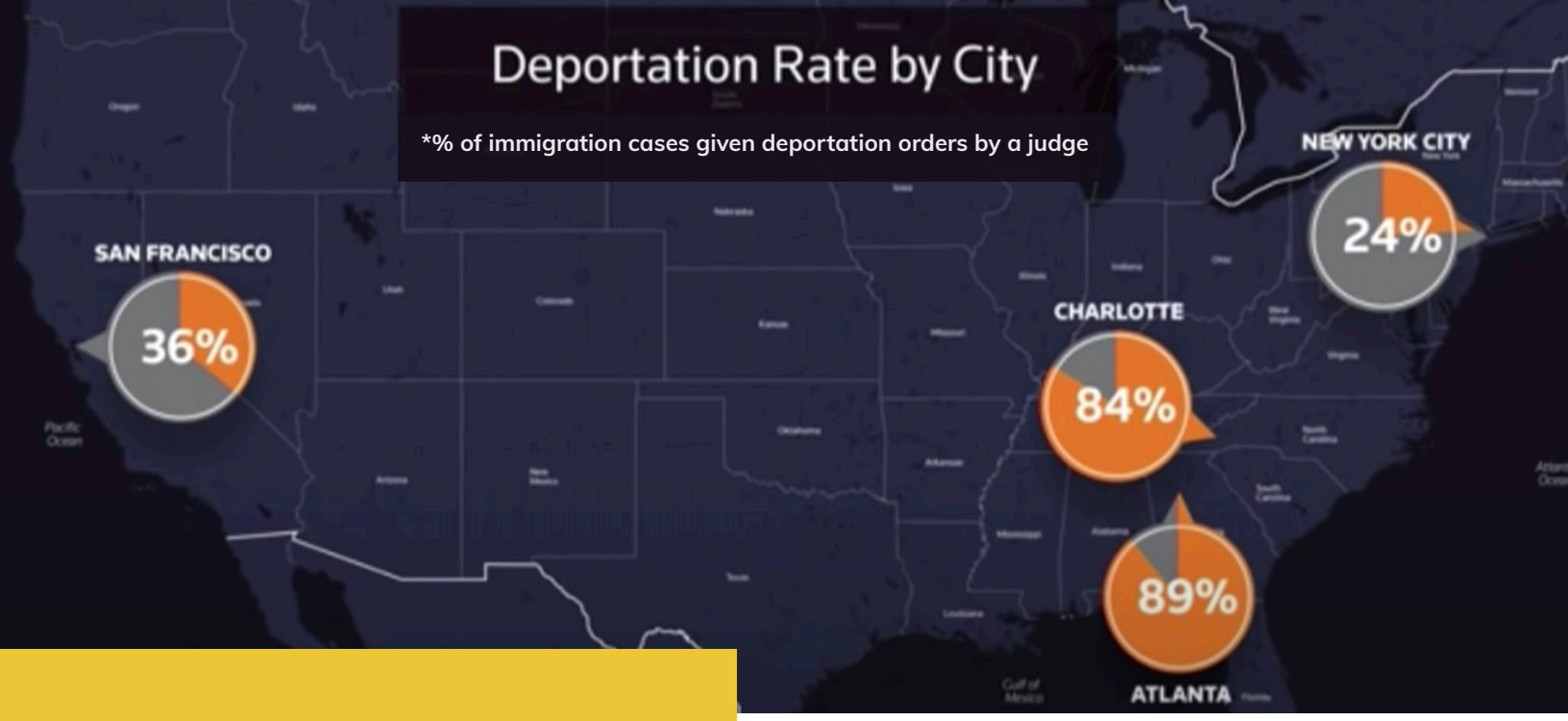
Background

The U.S. is bound by both international and domestic law to open its doors to those who have a "well-founded fear of persecution" on account of race, religion, nationality, political opinion, or membership in a particular social group.

In the film, Lizbeth describes how Edith is seeking asylum due to a fear of persecution by gangs in Mexico. But Edith's case was heard by a judge in Ohio who had a 90% denial rate for asylum cases. Edith's situation is a common reality for asylum seekers in the U.S. Statistics prove that your chances of being granted asylum are highly dependent on where your case is heard.

Legal counsel is critical for asylum seekers, but unlike all other U.S. legal proceedings, immigrants aren't guaranteed a lawyer for immigration court. Immigrants who obtain representation are 10 times more likely to be able to stay in the U.S.

Currently, the demand for representation in immigration court far outstrips the supply of trained attorneys to defend immigrants. More than half of all individuals in immigration court appear without legal representation, and 80% of detained immigrants have no lawyers. Thousands of immigrants in dire need of legal assistance would go without representation but for life-saving pro-bono work like Lizbeth is providing for Edith. (Source: AILA)



Many argue that it's unconstitutional that immigrants, especially children, are not provided with lawyers. While the Supreme Court has said immigrants are entitled to due process in deportation proceedings, in practice, some immigrants are not granted a hearing at all. Some cases can take years to process, and the legal fees for a private lawyer can add stress to an already delicate situation.

Learn more

- **Read:** "Constitutional Rights of Undocumented Immigrants"—PBS
- **Watch:** "Solving Illegal Immigration" —TED talk by Sonia Nazario
- **Listen:** Wildin an Unaccompanied Minor —Criminal Podcast

To Begin

1. Do you feel like the U.S. is currently meeting its legal obligation to accept refugees and asylum seekers?
2. Should immigrants be provided with legal counsel by the government if they can't afford it themselves?
3. Discuss ways in which you can support asylum seekers and the lawyers fighting their cases.

Thinking Deeper

1. Lizbeth ends the film by saying "This country is about...giving you the opportunity to actually fight." Do you agree?
2. When the legal system fails to secure Edith with status to stay in the US, Lizbeth turns to her activist roots. Do you believe that there are times where activists must break the law in an effort to fix it?

Learning Goals

- Understand how Lizbeth can legally become a lawyer and open her own practice.
- Discuss the opportunities undocumented individuals have to both contribute to society and have their voices heard.

DISCUSSION: LAW & STATUS

Background

Federal law, as codified in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, prohibits certain immigrants from earning professional licenses unless their state passes specific legislation. This includes immigrants on temporary visas and undocumented immigrants.

On January 2, 2014, the California Supreme Court allowed the first undocumented individual to be admitted to the state bar. This decision was based on a statute passed by the California Legislature and a motion filed by the Committee of Bar Examiners of the State Bar of California.

Chief Justice Tani Cantil-Sakauye wrote in her opinion, "We conclude that the fact that an undocumented immigrant's presence in this country violates federal statutes is not itself a sufficient or persuasive basis for denying undocumented immigrants, as a class, admission to the state bar. The fact that an undocumented immigrant is present in the United States without lawful authorization does not itself involve moral turpitude or demonstrate moral unfitness so as to justify exclusion from the state bar."

Since then, the American Bar Association has supported the same principle and nine states have followed California's lead. However, not everyone agrees this is a good idea.

"You're taking the oath to uphold the Constitution of the United States, while you are simultaneously breaking those laws," said John C. Eastman, a constitutional law expert and the former dean of the law school at Chapman University in Orange, California. "You're violating the oath of office from the moment you take it — that's a real problem."

Most of the undocumented lawyers who have passed the bar have DACA protection and can be hired by a firm. For Lizbeth, who does not have DACA status, the only way she can practice is by running her own business – which is not explicitly prohibited in federal law and is allowed in California. In the film, Lizbeth spoke to how her experience living as an undocumented immigrant can contribute to her ability to serve her clients. "I want to fight for people like myself, people like my family. I want to show this community that even if you're undocumented, you can fight back. And I use my own story, my own experience to do that."

Discussion Questions

1. How does Lizbeth's lived experience contribute to her work as an immigration attorney? What is she able to bring to the table that other attorneys can't?
2. Should California's decision to allow people without status to pass the bar be adopted by more states?
3. Generally, should professional licenses be accessible to undocumented individuals?
4. In what ways are undocumented voices currently heard in advocacy, professional, and political spaces?
5. Should undocumented people be allowed to run for an elected position?
6. Are the legal options to enter the United States enough? How should we determine who can enter the country?

Learn More

- **Read:** It's time to allow immigrants to earn professional licenses—FWD.us
- **Watch:** "DACA, Explained"—Vox
- **Listen:** Immigrant Voices Make Democracy Stronger—TED talk by Sayu Bhojwani

DISCUSSION: PERCEPTIONS OF IMMIGRANTS

Learning Goals

- Reflect on how undocumented immigrants are perceived in the United States.
- Discuss immigrant contributions with a "deficit mindset" and an "asset-based" lens.
- Explore the notion of the "deservinyg immigrant" and the potential pitfalls of thinking this way.

Background

Recall the scene when Lizbeth is nominated to a state advisory council creating a media flurry of criticism.

Quote from Lizbeth:

"My family moved here when I was 14. When we first moved here, my mom said: 'Don't tell anyone that you're undocumented.' So my mom's voice was always in the back of my head every time I would say, 'I'm undocumented.' It was in college that I met other undocumented students, and we started organizing. It was scary at first, and then I just realized the only way that I can keep my family safe is if I'm as visible as possible; because if something happens, people will know."

To Begin

1. Many times people view undocumented immigrants from a "deficit mindset." This means that a focus is placed on what immigrants lack, such as an understanding of the English language, financial resources, or social ties in the U.S.

    a) How would you feel if others knew you by only your least desirable qualities? (i.e. procrastination, bad at math, etc.)

    b) What if communities were to reconsider immigrants from an "asset-based" mindset? Take a moment to brainstorm what strengths or valuable character traits immigrants bring to the U.S.

2. Often immigrants are categorized intentionally or unintentionally into "deserving immigrants" vs. "undeserving immigrants." Dreamers like Lizbeth are often seen as "deserving immigrants" because people argue they came here through "no fault of their own." This implies their parents are "undeserving immigrants." Discuss this common narrative.

    a) Why might this be problematic?

    b) Why do you think it's a common narrative that journalists and even immigration organizations have at times pushed?

Thinking Deeper

1. Discuss common positive narratives that are used when talking about immigrants. What are the potential pitfalls? Why are these overly simplified narratives used?

    a) Common narratives:

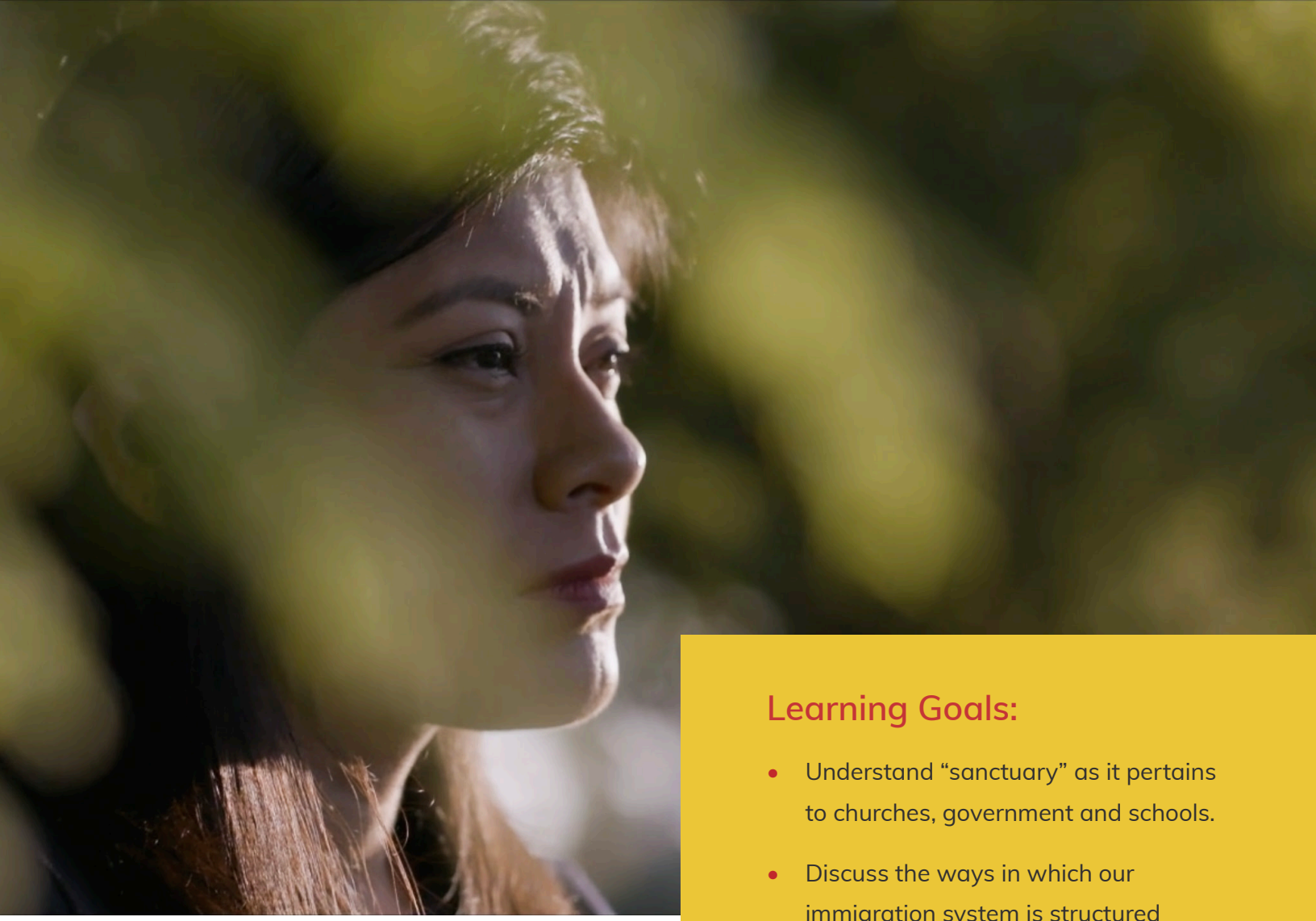
        i. Immigrants "Get the Job Done"

        ii. Most immigrants aren't "criminals" (in reaction to people saying they are).

2. There has been some evidence that many immigrants are a disproportionate part of the essential workforce. However, in most cases they have been excluded from social stimuli and health protection programs. What are the implications of leaving immigrants out of such policies? What ideas do you have to remedy this situation?

Learn More

- **Read:** Three Narratives to Nix From Immigration Reporting—Rewire
- **Watch:** "UndocuJoy"—Define American
- **Listen:** "Valedictorian Reveals Undocumented Status"—Larissa Martinez



DISCUSSION: SANCTUARY

Learning Goals:

- Understand “sanctuary” as it pertains to churches, government and schools.
- Discuss the ways in which our immigration system is structured to instill fear and cause pain for immigrants.
- Determine how you can support sanctuary movements in your community.

Background

The Sanctuary movement started in the United States during the 1980s as a way to support the thousands of refugees fleeing war in Central America. While this was initially composed of only churches, in 1989 San Francisco passed the “City and County of Refuge” Ordinance prohibiting the use of city funds and resources by city employees to assist ICE — becoming one of the first Sanctuary Cities in the U.S. Since then, more than 35 cities and 130 counties have adopted sanctuary policies. See a map here.

Sanctuary is not a legal term. A self-designation of "sanctuary" has different meanings:

- For **churches**, a sanctuary designation means the church is providing support to undocumented persons. This may include providing physical shelter to those facing detention or deportation.
- For **local governments**, it typically means that the local police department will not ask crime victims or witnesses about their immigration status in an investigation and will not hold suspects for Immigration and Customs Enforcement (ICE) without a warrant signed by a federal judge.
- For **colleges**, it typically means that the school has policies to protect their undocumented students, which could include barring ICE agents from campus without a warrant signed by a federal judge and providing financial or other assistance to undocumented students.

In Edith's case, the Columbus Mennonite Church took Edith in and understood that federal law prohibits the concealing, harboring, shielding, or transporting of undocumented persons. As a congregation, they made a group decision to move forward to become a sanctuary church despite the risks it posed. They believe that Edith was wrongfully given a deportation order and should not have her family split up. Edith and the church have been threatened, given notice of large fines from ICE, and have been subjected to criticism by their own denomination.

To Begin

1. If you were a member of Columbus Mennonite Church, would you vote to offer Edith sanctuary? What values of the church align with supporting sanctuary?
2. Edith argues in the film that "Sometimes we must break the laws because they are unjust. And if we stay silent the laws will never change." Discuss examples of when this was true throughout history.

Thinking Deeper

1. Which immigration policies should be decided at a federal level and which should be a state decision?
2. Is your city, state, or church self-designated as a sanctuary location? Have you heard of one that is? Discuss if you think this is an important designation.
3. What can you do to make your community a better place for immigrants?

Learn More

- **Read:** "No One Is Safer. No One Is Served."—The New Yorker
- **Watch:** "A View From Inside Sanctuary" —Edith Espinal
- **Listen:** How Sanctuary Cities Actually Work—Vox

TAKE ACTION

The Legal Fund to Protect Asylum Seekers

This fund will help pay legal fees for Lizbeth Mateo's clients who are:

- Immigrant women and children who have experienced domestic violence in the U.S.
- Asylum seekers including Edith Espinal

Legal counsel is critical for immigrants, but unlike in all other U.S. legal proceedings, they aren't guaranteed a lawyer for immigration court. Immigrants are 10 times more likely to be able to stay in the country when they have representation.

Donate now to support Lizbeth's work fighting on behalf of undocumented clients who deserve a fair chance in court and the opportunity to stay safely in the United States.

All donations are fully tax-deductible, and regular updates will be provided on the types of cases the funds are supporting.

Donate Now

Other Ways to Help

1. Engage Others
    - Host a screening to educate and inspire your community. Lizbeth and the filmmakers are also available for a Q&A. Visit UndocumentedLawyer.org to book today.
2. Know Your Rights
    - Everyone in the U.S. has certain rights guaranteed under the U.S. Constitution, regardless of your immigration status. Visit the InformedImmigrant.com to prepare yourself, or to learn how to be a better ally.

FAQ

- **How can I help Lizbeth and Edith?**
  You can donate to "The Undocumented Lawyer Fund" to help Lizbeth fight for asylum seekers like Edith. Your tax-deductible donation will help cover critical legal fees and court costs that many people in need can't afford. Immigrants are 10 times more likely to win their case when they have representation. Donate at UndocumentedLawyer.org

- **Are there updates on Lizbeth and Edith's cases?**
  Both Lizbeth and Edith are still fighting their immigration cases. Lizbeth's case has been postponed until 2021 and Edith just filed for another form of relief. Edith is still living in the church. It's been over 1,000 days.

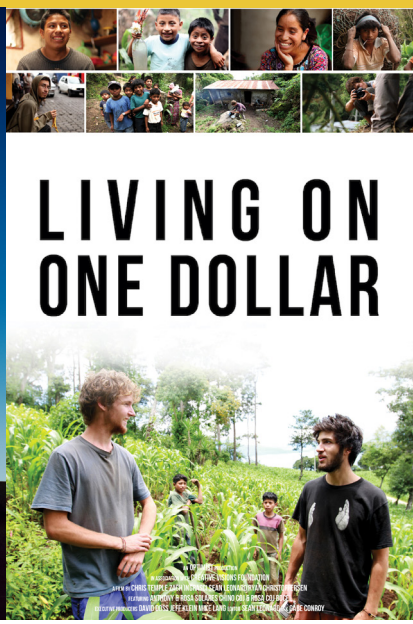
- **Why did you make the film?**
  We made this film to support Lizbeth's fight to keep families, like Edith's, from being unjustly separated by an inhumane immigration system. We were inspired by how Lizbeth not only supports her clients but empowers them to fight for themselves.

- **How long did you film?**
  We started filming in January 2018 when Lizbeth first opened her law practice and finished in February 2020 right before our premiere at Tribeca Film Festival.

OUR OTHER FILMS

At Optimist, we push ourselves everyday to create thought-provoking and impactful films. We love working with teachers, non-profits, religious institutions and businesses to build a lasting community around our films. If you enjoyed The Undocumented Lawyer, we hope you'll take a look at our other films. They explore issues of human rights, migration, women's empowerment, poverty alleviation, and inequality, all through accessible and gripping human stories.

Optimist.co



Optimist.co | Hello@Optimist.co

UndocumentedLawyer.org

@theundocumentedlawyer

CREDITS

This guide was written and made possible by:

Brenda Avila-Hanna
Claudia S. Murray
Sofia Trigo
Santiago David
Jenna Kelly
Mateo Villamizar Chaparro
Maria Ramirez
Arya Patel
Chris Temple
Zach Ingrasci
Caty Borum-Chattoo
Morgan Kays
Tolu Olubunmi