Immigration lawyer Vicky Farah

Helping the Libyan with a copy of his death sentence

PETER YATES

Vicky Farah still vividly remembers her first cases as an immigration lawyer. There was the Yemeni girl caught between two countries. The Jamaican woman with the wrong age and too many names. And the Libyan with a copy of his death sentence. She won each case, but only after going head-to-head with top officials in the Immigration and Naturalization Service (INS) and the State Department and setting precedents along the way.

Farah took the Yemeni case soon after she opened her Ann Arbor practice in 1981. A couple had moved to the United States but left their little girl behind with her grandmother because they'd heard stories about women raped in the streets of America. When the grandmother died, the father brought his daughter, then twelve, into the country as a visitor and applied for permanent residence for her.

The nightmare began when the INS asked to see her birth certificate. Yemen doesn't use birth certificates. Instead, two witnesses go to court and swear that a person is someone's child. When the couple had this done, the INS pointed out that they hadn't mentioned a daughter when they immigrated, and ordered her deported. Their deportation officer, who took a liking to the girl, delayed her deportation hearing for six months and advised the couple to find an attorney. They found Farah, then a struggling young lawyer sharing an office—and a desk—with another recent law grad from Wayne State. Though they had no money to pay her, she took the case. "I was just starting out, and it interested me," Farah recalls. "Besides," she laughs, "I had the time."

Realizing that more documentation would be of no use, Farah remembered hearing about human leukocyte antigen (HLA) tissue typing, a new technique used to prove paternity. Unlike paternity suits, however, where at least the mother is known, in this case the parenthood of both father and mother was questioned. Fortunately, sons had been born in the United States, so blood was drawn from the whole family.

The tests showed a 99.99 percent probability the girl was the couple's daughter. But when Farah tried to reopen the case based on the new evidence, the INS refused, claiming it was unconvincing. The true reason, Farah says, was "they'd never heard of HLA tissue typing, and didn't want to deal with it." Farah persisted, but the case dragged on for years and deportation proceedings were started before she convinced a judge to rule on the evidence. Only then did the INS agree that the girl was indeed the couple's child.

A slight woman with a strong presence and purposeful self-confidence, Afaf Vicky Farah is herself the first child of Palestinian immigrants. When she was born in Flint in 1951, her parents expected to return to the Middle East as soon as things improved, and intended to give each of the children at birth an Arabic first name and an American middle name. But as their expectations reversed, so did the order of names they gave the sister and two brothers born after Vicky.

Farah doesn't make a point of using her Arabic name with her clients. Most of them know her only as Vicky or Miss Vicky or, inexplicably, Wicky Sue. "I actually have Christmas cards addressed to Wicky Sue," she says, smiling. "It's really cute. I understand the Wicky because Chinese find it hard to pronounce *v*, but why they added Sue intrigues me. I guess they think all American women are named Sue."

For an American-born citizen like Farah, the mix-up is merely amusing. But names, especially those on official documents, can haunt the immigration process. "In some countries people have a habit of not using the same name throughout their lifetime," Farah explains. "The name on your birth certificate might be Mary, on your marriage license Beatrice because that's what everyone called you since you were two, and on your daughter's birth certificate whatever pet name you used at the time. To add to the confusion, some official documents ask for age instead of birth date."

In the Jamaican case, a woman had written her age as nineteen on her marriage license, even though she was twenty-three. When immigration officials looked at her documents they told her she wasn't the same person, putting her whole family, who had been living in the U.S. illegally for six years, out on a limb. Farah ordered HLA tests immediately, and after more bureaucratic complaints—that the test wasn't certain, that it was a conclusion and not evidence, and that the family's previous attorney should have used it—she won the day. "It's ironic," she says. "INS now requires HLA tissue typing."

Farah's political asylum cases have been no less interesting or complex. There's a bitter joke among attorneys that proving a client has been singled out for persecution is so tough that they need a letter from the dictator. Farah's Libyan client had the next best thing. An editor who'd been imprisoned several times for publishing opinions critical of Colonel Muammar al-Qaddafi, he was tipped off that he was about to be arrested again and fled the country. Later, his family obtained and passed on to him a government ministry's letter to his employer. It ordered his social benefits cut off because he'd been sentenced to death.

Farah's appeal on the man's behalf got an unsympathetic answer from the State Department, which hands down advisory opinions in asylum cases. "They com-

plained he was trying to end-run our system because he'd moved around in a dozen countries for three years instead of coming here first, that he entered the U.S. with a visitor's visa, and that he used someone else's passport," she says. "But he didn't have his own passport! You run fast in these situations. So we wrote a scathing response, saying that if a fellow with a letter from Qaddafi which mentions his execution can't get asylum, we're in big trouble." She won again.

Farah moved to Ann Arbor in 1969 to study history at the U-M. After graduating, she taught for two years in Flint area schools, tired of it, and enrolled in a master's degree program at the U-M. Her immigration law career stems from a part-time job the following summer as an immigration caseworker at the International Institute in Flint. The institute helps immigrants adapt to American life, and Farah's summer job quickly turned into a two-year full-time hitch.

Her interest in law grew after several unsatisfying phone calls to the institute's "wizened old" immigration attorney in Detroit, one of only four in the entire state in the 1970's. "He'd go on a mile a minute," she says. "He clearly knew his stuff but had no interest in conveying it to me. He just wanted us to send him our cases. I thought there must be a better way to be an immigration attorney." When she met other immigration attorneys at a conference "who weren't all crotchety guys," she made up her mind.

In 1981, after getting her law degree at Wayne, Farah opened her own practice in Ann Arbor. "It was rather foolish and courageous," she says. "I just decided this is what I want to do and eventually people will call me up." After a year sharing an office, she found her own place. Even then, she recalls, "I did all my work, answered my phone, did my typing. It didn't bother me. I had the time and I enjoyed it. It took two years before it was clear I could survive."

That quiet beginning is long since past. At nine in the morning, Farah is already two hours into a twelve-hour day. Her secretary's typewriter stammers fitfully nearby. Behind her desk, two pigeons seek temporary refuge on the window ledge overlooking Liberty Street before taking flight again for parts unknown.

Immigration cases based on employment now account for 70 percent of Farah's business. "College towns are usually good places for an immigration practice because of the pool of educated graduates from foreign countries," she says. She also draws a fair number of clients from Detroit and Grand Rapids. "We've a lot of booming consulting firms in Ann Arbor and the Detroit area which hire foreign nationals. Some of my best clients are firms run by people I started out with, whose companies have grown from ten to sixty employees. As they grew I grew with them."

Business has grown so much, in fact, that for at least a year now Farah has stood undecided at a fork in the road. Her dilemma: scale back or expand. "I never worked in any other law office, so sometimes I ask my secretary, 'How much business are we doing?' She assures me we're very busy." Farah, who calls herself a "classic workaholic," handles 150 active cases in a business she says is growing by 40 percent annually. "Sometimes I get tired," she says reluctantly.

"I'm at the point where I should consider hiring another attorney, but I'm ambivalent," she goes on. "I don't want to start managing someone to do what I enjoy doing. It hasn't stopped being fun, and that's hard to say after practicing law for nine years. When my clients walk into the immigration office for their interview and see me, there's such a look of relief on their faces. We've been together for a year and a half and we're finally at the end. I helped them through the process. One of the nicest things I hear is, 'I'll never forget you.' It's really nice to know you've touched somebody's life."

Farah herself is touched by a group of immigrants she calls "quiet heroes": couples in their twenties and thirties who trade the security of high positions in their home countries for work in menial jobs in the U.S., all for the sake of their children. "I've heard women in their thirties say, 'I've had my life, this is for my kids.' That's powerful stuff. And the men sacrifice a lot, too. They come from societies where to be a professional is a big deal, and here, where their skills may not translate, they're absolutely nothing. It takes a certain resilience of spirit. For some people it works out, others it kills. There's a dividing point in their lives. They say, 'I had one life there and I'm not that person anymore.' "

The same can happen with an entire people. In the mid-1960's, a more benign time in the relations between Palestinian and Jewish Israelis, one of Farah's cousins was chosen Miss Jerusalem and was runner-up in the Miss Israel contest. Twenty-five years later, an uncle who lives in the West Bank sends her family first-hand reports about the Intifada and the suffering it is causing.

Farah is very conscious of representing the Palestinian people and their reputation. "This may sound strange," she says, "but I got to a point where I thought I do as much good by excelling in my profession, being an example of what Palestinians are, as running out and marching. I never cover up the fact that I'm a Palestinian. I'm proud of it. It's what I am. I guess I really want to dispel the myths. We're not all covered up and we're not all terrorists. So I think I do a service by just succeeding at what I do."

After a testy reception from Immigration Department staff in Detroit when she started her practice nine years ago, Farah has won their trust and respect. Yet occasional comments can still cut deep. "Once when someone was bad-mouthing Arabs, I said, 'Wait a minute, I'm Arab,' " she recalls. "He said, 'You're different.' I said, 'I'm not different.' "

—Robert Ross