

SUSAN V. HAZELDEAN

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EDUCATION

YALE LAW SCHOOL, J.D., June 2001

Honors: Arthur Liman Public Interest Law Fellowship Award

Activities: Advocacy for Parents and Children Clinic (student director)
Immigration Clinic

UNIVERSITY OF NORTH CAROLINA, B.A. in Political Science, May 1998

Honors: Highest Distinction and Highest Honors

Phi Beta Kappa

Morehead Scholar

Terry Sanford Award for Excellence in Political Science (best honors thesis, for *Same-Sex Marriage: A Constitutional Right?*)

WORKS IN PROGRESS AND PUBLICATIONS

Anchoring More than Babies: Children's Rights After Obergefell v. Hodges 38 CARDOZO L. REV. --- (forthcoming).

This article examines the implications of the Supreme Court's marriage equality decision for children's rights. I argue that *Obergefell* and other decisions striking down bans on same-sex marriage suggest that children have a fundamental right to be raised by their parents without being demeaned or marginalized by the state. Prior Supreme Court decisions suggested that children might have no right of association reciprocal to parents' long-recognized right to care and custody of their children, but *Obergefell* makes it clear that children do have such a fundamental right. This has important implications for other vulnerable children, including those U.S. citizen children with undocumented parents. These children have been increasingly marginalized in recent years as the number of deportations has rapidly increased and state governments have pursued aggressively anti-immigrant legislation. Thousands of children have been forced into foster care just because their undocumented parents were detained or deported. Others have been separated from their parents or forced to leave the country. And millions more have lived in fear that their parent would be detained or removed, even if they were never actually apprehended. This situation deprives such children of their fundamental right to be raised by a loving parent, denies them equal protection of the law, and also conflicts with their right to remain in the United States as U.S. citizens. I therefore argue that the Obama administration's proposed executive program, Deferred Action for Parents of Americans (DAPA), should be viewed as an effort to protect the constitutional rights of vulnerable American children. As such, DAPA is an appropriate exercise of prosecutorial discretion to safeguard the interests of American citizens, rather than an unconstitutional power grab.

Confounding Identities: The Paradox of LGBT Youth Under Asylum Law, 45 U.C. DAVIS L. REV. 373 (2011).

This article analyzes the adjudication of political asylum claims by lesbian, gay, bisexual, and transgender (LGBT) youth. I argue that the asylum system has fallen out of step with contemporary

constitutional norms on the rights of LGBT people and youth. While courts in various areas of law have come to recognize that discrimination against LGBT persons is impermissible, and independently, that the culpability of juveniles for their actions must be assessed under standards more flexible than those applied to adults, courts have not applied these twin principles in asylum cases involving LGBT youth, and have not yet examined the interaction between the two. Because of this, adjudicators fail to accurately assess the danger facing young LGBT asylum-seekers. Instead, they are improperly influenced by one set of stereotypes about youths and another about LGBT people, and compromise the safety of LGBT youth fleeing mistreatment. The plight of young LGBT asylum-seekers illustrates the confounding nature of LGBT identity and childhood: the idea of an LGBT child is treated as a paradox. The paper calls for a re-evaluation of what harm to LGBT children qualifies as persecution, realistic proof requirements to establish youths are LGBT, and the appointment of counsel and regulatory reform to protect children's due process rights.

Years Behind: What the United States Must Learn About Immigration Law and Same-Sex Couples, HUM. RTS. MAG., Summer 2003, at 17 (with Heather L. Betz).

Noting that sixteen countries allow gay men and lesbians to sponsor their partners for immigration, this article argues that U.S. immigration law should also recognize same-sex relationships.

Out in the Cold: The Challenges of Representing Immigrant Lesbian, Gay, Bisexual, and Transgender Youth, 7 BENDER'S IMMIGR. REV. 642 (2002) (with Pradeep Singla).

This piece discusses the difficulties confronting undocumented LGBT youth and identifies potential immigration remedies that attorneys representing such young people should consider.

EXPERIENCE

BROOKLYN LAW SCHOOL

Assistant Professor; Director, LGBT Clinic

July 2016-present

Founded and directed the LGBT Advocacy Clinic, where students provide legal services to low-income New Yorkers facing discrimination based on sexual orientation or gender identity, and assist LGBT organizations in public policy reform efforts. Clinic projects include litigating civil rights claims on behalf of LGBT prisoners facing sexual assault or denial of medical care, representing community members discriminated against in employment or public accommodations, and legal assistance in LGBT family law matters. Clinic students appear in federal and state court as well as administrative tribunals. They develop research and writing skills through preparation of complaints, briefs, legal memoranda, and motions. They also interview and counsel clients, locate and prepare witnesses, conduct depositions, present testimony, and argue in court. Weekly clinic seminar teaches practice skills, substantive law, and encourages reflection on deeper questions such as lawyers' roles in social justice movements.

CORNELL LAW SCHOOL

Associate Clinical Professor; Director, LGBT Clinic

July 2011 – June 2016

Founded and directed the Cornell LGBT Advocacy Clinic. Clinic cases included civil rights litigation for transgender women in men's prisons facing sexual assault or denial of medical care, asylum proceedings for immigrants facing persecution based on their sexual identity, and LGBT family law matters. Students' non-litigation projects included a report on access to shelter for LGBT domestic violence victims, a Congressional briefing on the impact of proposed enforcement-only immigration bills on the LGBT community, and know-your-rights presentations for LGBT seniors.

YALE LAW SCHOOL

July 2009 – July 2011

Robert M. Cover Clinical Teaching Fellow, Clinical Lecturer and Associate Research Scholar in Law

Co-taught Worker and Immigrant Rights Advocacy Clinic. Supervised students litigating federal civil rights actions on behalf of immigrants targeted in illegal raids and subjected to police brutality, as well as advocacy campaigns by community organizations. Co-taught seminar classes, supervised students appearing in federal court and edited students' written work.

PETER CICCHINO YOUTH PROJECT, Urban Justice Center, New York, NY

Project Director

Dec. 2005 – June 2009

Managed all aspects of a legal services project providing direct legal representation and systemic advocacy to at-risk lesbian, gay, bisexual and transgender (LGBT) youth. Supervised staff attorneys and law student interns. Represented Project in media interviews and at public events. Fundraised and managed \$400,000 annual budget. Developed advocacy campaigns to improve access to foster care for abused and neglected teenagers and to prevent mistreatment of LGBT youth in juvenile detention. Led staff in strategic planning to identify community needs, design programs, and ensure effective service provision. Represented clients in range of immigration matters as well as landlord-tenant, public benefits, name change, and family law cases (see below).

Staff Attorney

Sept. 2001 – Dec. 2005

Represented homeless and low-income LGBT youth in a variety of legal matters. Defended immigrant young people facing deportation and filed applications for asylum, VAWA relief, special immigrant juvenile status, citizenship, and U- and T-visas on behalf of immigrants in administrative and immigration court proceedings. Represented clients facing eviction in landlord-tenant cases. Litigated family violence matters in Family Court. Conducted legal clinics and know-your-rights trainings at drop-in centers for homeless youth.

YALE IMMIGRATION CLINIC, New Haven, CT

Student Intern

Fall 2000

Prepared asylum applications on behalf of immigrants who fled religious and ethnic persecution. Interviewed clients; prepared affidavits; wrote briefs; and represented clients in immigration court.

ACLU LESBIAN & GAY RIGHTS PROJECT, New York, NY

Legal Intern

Summer 2000

Researched and wrote memoranda on constitutional issues regarding HIV+ pregnant women, same sex marriage, and anti-LGBT employment discrimination. Wrote op-ed piece re: HIV discrimination.

HIV LAW PROJECT, New York, NY

Legal Intern

Summer 1999

Represented low-income, HIV positive parents accused of child abuse and neglect or involved in custody disputes. Questioned witnesses. Researched and drafted court papers. Interviewed clients.

ADVOCACY FOR PARENTS AND CHILDREN CLINIC, Yale Law School, New Haven, CT

Student Intern, Student Clinic Director

1999- 2000

Represented parents and children in child neglect proceedings. Conducted court hearings including examining witnesses. Supervised fellow students in the clinic as a Student Director.

SELECTED PRESENTATIONS

What Does it Mean to be a Citizen Child? The Legal Rights of Children in Disfavored Families, Clinical Law Review (CLR) Writers' Workshop, Sept. 26, 2015.

Works in Progress: The Rights of U.S. Citizen Children with Undocumented Parents, Emerging Immigration Scholars' Conference, June 11, 2015.

Hobby Lobby and NJ's Law Against Discrimination, NJ State Bar Association Continuing Legal Education program annual LGBT update, March 14, 2015.

Protecting the rights of transgender prisoners and detainees: concerns and strategies. National LGBT Bar Association's Lavender Law Conference Transgender Law Institute, August 24, 2014.

Bathrooms and Bullycides: What Schools Need to do to Protect LGBT Youth from Harassment, American Association of Law Schools 2012 Conference on Clinical Legal Education, May 3, 2012.

Teaching Students to Effectively Manage Stress and Minimize Vicarious Trauma, with Kate Aschenbrenner, Paula Galowitz and Catherine Klein, American Association of Law Schools 2012 Conference on Clinical Legal Education, May 2, 2012.

The Paradox of LGBT Youth Under Asylum Law, Women's Law Forum Colloquium, Rutgers University Law School, March 22, 2012.

How Law School Clinics Advance the Public Interest, Liman Colloquium, Yale Law School, March 3, 2012.

Transgender Youth in Foster Care, in Jail and at Risk. Justice in Transition: Serving the Transgender Community in Law and Practice Symposium, New York University School of Law, November 4, 2011.

The Confounding Identities of LGBT Immigrant Youth, Lambda Law Students Association Panel, *Emerging Legal Issues In LGBTQ Immigration And Asylum*, Cornell Law School, August 31, 2011.

Protecting LGBT Youth from Bullying in a Virtual World, Rebellious Lawyering Conference, Yale Law School, February 19, 2010

Invisible Victims: Violence Against LGBT Youth in and out of Jail, Rebellious Lawyering Conference, Yale Law School, February 20, 2010

Culturally Competent Lawyering for At-Risk LGBTQ Youth, with F. Bermudez, K. Forte, and T. Nolan, New York City Bar Association, April 15, 2008.

Improving the Response to LGBTQ Youth in the Dependency and Delinquency Systems, with M. Laver, A. Khoury, M. Faruquee, and P. Hepner, National Association of Counsel for Children Annual Conference, Keystone, CO, August 17, 2007.

COMMUNITY SERVICE

Member, Board of Directors, Legal Assistance of Western New York (LAW-NY), 2012-present
Member, New York State Bar Association Committee on Immigration Representation, 2014-present
Member, Statewide Law School Access to Justice Council, 2014-2016

AWARDS

National LGBT Bar Association Best LGBT Lawyers Under 40 Award 2015

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BAR ADMISSIONS

New York State; U.S. District Court for the Northern and Southern Districts of New York; U.S. District Court for the District of Connecticut; U.S. Court of Appeals for the Second Circuit; U.S. Court of Appeals for the Ninth Circuit.