

# ERIKA NYBORG-BURCH

Assistant Professor of Law, Florida State University College of Law

425 W. Jefferson Street, Tallahassee, FL 32306-1601 • enyborgburch@law.fsu.edu

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## EDUCATION

**Yale Law School**, New Haven, CT 2013 – 2016

Juris Doctor (J.D.)

Activities: Project for Law and Education, President  
Capital Assistance Project, Research Assistant  
Justice Collaboratory on Law and Policing, Research Assistant  
Marshall Brennan Constitutional Literacy Project, Teacher  
*Yale Law and Policy Review Journal*, Editor

**Brown University**, Providence, RI 2006 – 2010

B.A., with honors in International Relations and B.A. in Hispanic Studies,

Honors: *magna cum laude*, Fichter Prize for Outstanding Senior in Hispanic Studies

Honors Senior Thesis: *Citizens or Aliens? Undocumented Immigrants and the Discourse on Removal in the United States*

Activities: Watson Institute Fellow in International Studies  
Janus Fellow for Political Discourse  
English for Action/Inglés en Acción Lead Facilitator

Study Abroad: Casa de las Americas, Havana, Cuba, 2008

## PROFESSIONAL EXPERIENCE

**Florida State University College of Law**, Tallahassee, FL June 2025–present  
*Assistant Professor of Law* (tenure-track)

**Florida State University College of Law**, Tallahassee, FL June 2023–December 2025  
*Director, Farmworker & Immigration Rights Clinic*

Directed the Farmworker & Immigration Rights Clinic. Supervised students in all clinical matters, including representing clients seeking humanitarian relief in removal proceedings and before federal agencies and courts, developing community education projects, presenting know-your-rights trainings, and advocating in support of farmworkers and immigrant workers.

**Boies Schiller Flexner LLP**, San Francisco, CA May 2021– June 2023  
*Senior Associate*

Represented plaintiff and defendant clients in high-stakes disputes through all phases of civil litigation, including appeal. Advocated in dispositive briefing and motions practice before trial and appellate courts. Led discovery, including as first chair of depositions and as expert liaison. Represented clients *pro bono*, including survivors of sexual abuse and trafficking, reproductive health care providers, and students with disabilities. Member of firm’s Diversity Committee, LGBTQ+, Women’s Affinity Groups. Mentored students through firm’s Tribal Affairs Task Force.

**American Civil Liberties Union of Pennsylvania**, Philadelphia, PA February 2020 – May, 2021  
*Staff Attorney*

Worked on a wide range of civil rights and civil liberties cases in federal and state courts and administrative tribunals. Litigated challenges to civil immigration detention and pre-trial detention before federal district and circuit courts. Engaged in motions practice, written advocacy, appellate advocacy, and discovery for claims on behalf of putative class members and individuals. Drafted

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and litigated Section 1983 claims against local police departments challenging racial and ethnic profiling. Litigated public access requests against local agencies to increase public access to information, including policies for policing, prosecution, and bail. Advised on legislative and advocacy work. Supervised legal fellows and interns.

**The Bronx Defenders**, The Bronx, NY 2018 – 2020  
*NYIFUP Attorney, Immigrant Justice Corps Fellow*

Represented clients in removal proceedings through the New York Immigrant Family Unity Project (NYIFUP). Engaged in motions practice in immigration court. Prepared prehearing statements and evidentiary materials for applications for relief from removal, including asylum and cancellation of removal. Represented clients in immigration court hearings on these applications and secured grants of asylum for multiple clients. Wrote appellate briefs for the Board of Immigration Appeals (BIA). Prepared federal habeas petitions for detained clients. Submitted applications for visas with USCIS.

**Asylum Seekers Advocacy Project (ASAP)**, New York, NY 2017 – 2018  
*Founding Member, Attorney, Remote Removal Defense Coordinator*

Represented clients in motions to reopen before the BIA. Drafted templates, guides, and supplemental resource database for practitioners. Coordinated attorney supervision of student volunteers preparing filings for asylum seekers. Co-developed trauma-informed representation program at the South Texas Detention Center in Dilley, Texas.

**Third Circuit Court of Appeals, Judge Thomas L. Ambro**, Wilmington, DE 2016 – 2017  
*Federal Judicial Law Clerk*

Analyzed relevant legal issues in cases and presented judge with summary, recommendation, and questions for counsel at oral arguments. Drafted opinions and edited opinions from other chambers. Reviewed motions and prepared responsive orders. Screened briefing from *pro se* applicants and flagged cases for the judge. Edited colleagues' work-product.

**KIPP Central City Primary**, New Orleans, LA 2011 – 2013  
*Second Grade Teacher*

Developed school-wide second grade literacy curriculum. Increased student performance scores beyond grade-level benchmark. Initiated academic and behavioral intervention programs. Coordinated with social worker to create support systems for students experiencing trauma. Taught ESOL to a second-grade student.

## PUBLICATIONS

- *Protection as Punishment: Immigrant Victim Relief in the Crimmigration State*, 115 CALIF. L. REV. \_\_ (forthcoming 2027).
- *The War on Immigrants*, 73 UCLA L. REV., \_\_ (forthcoming 2026).
- *Rethinking Constitutionally Impermissible Punishment*, 98 NOTRE DAME L. REV. REFL. 40 (2022) (with Nadia Banteka).

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### PRESENTATIONS

- *Protection as Punishment: Immigrant Victim Relief in the Crimmigration State*
  - CrimFest Criminal Law Conference, July 2025
  - Florida State University College of Law, June 2025
- *The War on Immigrants*
  - University of Florida Levin School of Law, September 2025
  - ABA/AALS Academy for Criminal Justice Section, December 2024
  - University of Utah S. J. Quinney College of Law, October 2024.
- **Oscher Lifelong Learning Institute at Florida State University**, February 2024—Guest Lecturer, *Asylum and Refugee Law and the Legal Landscape at the Southern Border*.
- **Boies Schiller Flexner**, June 2022—Presenter, *Pride Month Lecture: Legal Issues Impacting the LGBTQ+ Community*.
- **Philadelphia Bar Association**, December 2020 – Organizer and Presenter, *Jails, Prisons, and Immigration Detention Centers: Lessons from COVID-19*.
- **Habeas Working Group**, December 2020 – Presenter, *Strategies to Defend Medically-Vulnerable Individuals from Re-detention by ICE*.
- **Tilburg Law School**, May 2019 – Guest Lecturer, *Shrinking Legal Protections and Expanded (Illegal) Detention for Asylum-Seekers in the United States*.

### BAR ADMISSIONS

- Florida, New York, California (inactive)
- U.S. Court of Appeals for the Third Circuit, U.S. Court of Appeals for the Ninth Circuit, U.S. Court of Appeals for the Eleventh Circuit.

### LANGUAGES

- Fluent in English, Spanish; Conversational in Greek.