

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

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
Casa de las Americas, Havana, Cuba, 2008

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. 416 (2026).
- *Rethinking Constitutionally Impermissible Punishment*, 98 NOTRE DAME L. REV. REFL. 40 (2022) (with Nadia Banteka).

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, presenting know-your-rights trainings, and advocating in support of farmworkers and migrant workers.

Boies Schiller Flexner LLP, San Francisco, CA

May 2021– June 2023

Senior Associate

Represented clients in high-stakes disputes through all phases of civil litigation. Maintained an active pro bono docket, including representing survivors of sexual abuse and trafficking, reproductive health care providers, and students with disabilities. Member of firm's Diversity Committee and LGBTQ+ Affinity Group. Mentor with Tribal Affairs Task Force.

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

American Civil Liberties Union of Pennsylvania, Philadelphia, PA
Staff Attorney

February 2020 – May, 2021

Worked on a wide range of civil rights and civil liberties cases before federal and state courts and administrative tribunals. Litigated challenges to immigration detention, pre-trial detention, and police profiling practices before federal district and circuit courts at the trial and appellate level. Represented organizational clients before local agencies on issues related to policing, prosecution, and bail. Advised on legislative and advocacy work. Supervised legal fellows and interns.

The Bronx Defenders, The Bronx, NY
NYIFUP Attorney, Immigrant Justice Corps Fellow

2018 – 2020

Represented clients in removal proceedings through the New York Immigrant Family Unity Project (NYIFUP). Litigated applications for humanitarian relief and release from detention before immigration judges and secured grants of asylum and bond for multiple clients. Wrote appellate briefs for the Board of Immigration Appeals (BIA). Prepared federal habeas petitions for detained clients. Submitted visa petitions and affirmative applications with USCIS.

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

2017 – 2018

Represented clients before the BIA. Drafted templates, guides, and supplemental resource database for practitioners. Coordinated attorney supervision of the student volunteers who assisted with asylum-related filings. 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
Federal Judicial Law Clerk

2016 – 2017

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
Second Grade Teacher

2011 – 2013

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

PRESENTATIONS

- *Protection as Punishment: Immigrant Victim Relief in the Cimmigration State*
 - **Immigration Law Teachers and Scholars Workshop**, June 2026
 - **CrimFest Criminal Law Conference**, July 2025
 - **Florida State University College of Law**, June 2025

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

- *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
- 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.