



# EQUAL JUSTICE AMERICA

## POST-GRADUATE FELLOWSHIP REPORT: JANUARY 2018

"Lauren Dana continues to be amazing.  
What a gift from EJA to have her with us."

– **Katherine Shank**, Deputy Director at LAF

### **Lauren Dana**

Equal Justice America Fellow / Staff Attorney  
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## I. SUMMARY AND ACHIEVEMENTS

### U Visa, T Visa, VAWA, and I-751

In the first three months of my fellowship, I have primarily worked on U visa, T visa, and VAWA applications. These are affirmative, administrative petitions filed with U.S. Citizenship and Immigration Services (USCIS) on behalf of clients, for immigration relief. These forms of relief were created under the Victims of Trafficking and Violence Protection Act in 2000 and protect non-citizen victims of serious crimes, human trafficking, and domestic violence. My clients are eligible based on having suffered substantial mental or physical abuse due to the crime that is the basis of their petition.



**Lauren Dana**  
Northwestern Law (JD 2017),  
EJA Immigration Fellow

I have also been working on I-751 petitions to remove conditions on conditional residence. These clients were married to and petitioned for residency with a US citizen, but since filing jointly they have been subject to domestic violence. This petition allows such clients to move forward in the process individually.

**I prepared two U visa applications for filing** under Lisa Palumbo's, my direct supervisor's, supervision, which we filed with USCIS on behalf of clients in the "Egg Case." These clients were summarily fired and prevented from unionizing by their employer, a local egg packing company. For this case I worked with clients to prepare this complicated application, which requires unique evidence to address their harm on a tight deadline.

**I am working on 10 U visas, one T visa, three VAWA, and two I-751 applications** that are each at various stages in the process between case acceptance and filing. The T visa application that I am

about to file has been on behalf of a minor who was coerced into sex trafficking. Her application has required extensive work and will include three accompanying derivative applications for family members who are eligible for immigration relief through her. There are two additional family members that I will also file for as derivatives. In addition, I have worked directly with the LAF Family Law Attorney who is representing the client for an order of protection, to coordinate work with the client. I attended the Order of Protection hearing and assisted with preparation of some of the possible witnesses for that hearing.

### U Visa Certifications

A critical step in the process of preparing a U visa application is the U Visa Certification Form. U visa applications require a certification by law enforcement of the applicant's victimization and cooperation with the investigation or prosecution of the crime. By obtaining these certifications, an applicant can move forward with the U visa application itself. These requests can be routine before some law enforcement agencies, or require significant legal argument before others.

I requested six U visa certifications from agencies including the Chicago Police Department, the Cook County State's Attorney's Office, and the Circuit Court of Cook County. Of those certifications I have

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requested, five have been signed and one is still pending. The process requires obtaining records regarding the cooperation, such as police reports, case dispositions, and orders of protection; strategic decisions about where to request the certification from when there is more than one law enforcement agency involved; strong writing skills to clearly present the legal argument for why the agency should sign the certification form.

### Employment Discrimination Complaint

**I filed an employment discrimination complaint** with the City of Chicago Commission on Human Relations on behalf of a client who was subjected to pervasive sexual harassment and sexual orientation discrimination at work. The treatment he was subjected to at work will also be the basis of a U visa certification that I will request from the same agency.

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### Initial Intake

Each week I conduct about two new intakes. I call potential clients to assess their eligibility for our services and for immigration relief. About two thirds of the clients I work with are Spanish-speaking. I interview them to gather information about the crime that they have experienced, how they have cooperated with law enforcement regarding this crime, and to understand their immigration history and possible barriers to eligibility for immigration relief.

I will then request that potential clients send me documentation related to the crime that is the basis of their eligibility. If they do not have such documents, I will request them from local police departments through a Freedom of Information Act (FOIA) request, or obtain copies of court dispositions and court files.

### Case Acceptance Meeting

Our immigration group meets for about two hours every Wednesday for our Case Acceptance Meeting (CAM) where we share announcements, present new cases from intake to determine whether we will accept or reject, and bring questions about cases for group discussion. My team includes my supervisor, four staff attorneys including myself, and two paralegals.

### Weekly Meetings with Supervisor

I have a 30-minute meeting scheduled every Tuesday to sit down one-on-one with my supervisor. While she is generally available to questions as they come up throughout the week, this is an opportunity to discuss issues that have come up in a case, best practice questions, and do a general case review.

### Client Meetings

Once we accept a case at CAM, I schedule an initial meeting with my clients. This allows me to establish an attorney-client relationship that will make my representation and advocacy more successful. In this meeting, I discuss the facts of my client's case more thoroughly, copy critical documents, and explain what to expect as we prepare the application together. As with initial intakes, most of my client meetings are conducted in Spanish.

### Investigation and Document Collection

I conduct legal research and collect documents as the initial steps in preparing applications. My clients gather and provide me with the documents they have. I make FOIA requests, request

court dispositions and background checks. I evaluate the narrative of cooperation as it appears in the police report or the order of protection. I provide clients with suggestions for where to obtain supporting letters, and provide them with guides to assist the friends, family, and domestic violence counselors that will write letters.

### Client Declaration

A requirement for each of the applications I have worked on is the client's declaration in which they describe the crime or abuse they have suffered and the effects of that abuse. I explain to my clients what the declaration should include, give them advice for how to begin the writing process, and help them set deadlines for sending me a draft declaration. I will then translate the declaration into English if the client is Spanish-speaking, and help the client fill in any gaps that I find in their narrative. This is a difficult and time-consuming process that is often the most difficult part of the application for clients.

### Referrals

My work has also included legal and social work referrals within LAF and to other agencies. I have referred clients internally to our Children and Families Practice Group for assistance with family law issues. I have also referred clients to our Client Support Services group for assistance from our social worker. External referrals have been made for legal services when we are unable to accept the case or when the client presents with another legal issue with which LAF cannot assist.

### Community Clinics

LAF runs several monthly legal clinics in the community with the support of pro bono partners. I have had the opportunity to volunteer with these clinics once this quarter, and plan to go again next quarter. This is an opportunity to meet clients where they are, in their community, and to assist the pro bono partners when immigration matters come up or Spanish-speaking clients need assistance with interpretation.

## **II. CLIENT STORIES**

Until they are granted deferred action or a visa, most of my clients navigate their lives without documentation or status. Many are subjected to unfair labor practices, intimidation, and violence, and threatened with deportation by their employer, partner, or trafficker. Immigration relief will make my clients safer at work and at home, and will keep their families united. Some of the crimes committed against my clients include: criminal sexual assault, sexual assault of a minor, aggravated battery, domestic violence (physical, emotional, and sexual abuse), stalking, sexual harassment, sexual orientation discrimination, obstruction of justice, witness tampering, and sex trafficking of a minor.

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## Erica

Erica is a mother of three children - two are US citizens and one would have been eligible for DACA had the program been reauthorized. Erica was waiting for the bus early in the morning, and when none came for some time she decided to walk. As she walked, a car with three men inside began following her. The next thing she knew, she was grabbed from behind and thrown to the ground. Two of the men had jumped out of the car and attempted to sexually assault her. Erica was able to escape and report the incident to the police. She was afraid to speak with police and provide a statement to the court because she did not know what might happen to her as an undocumented immigrant. Despite her fear, she cooperated with the police and the prosecution of the crime.

With my assistance, Erica has initiated the process to ensure her ability to provide for and remain united with her family.

This crime occurred 14 years ago on her daughter's first birthday, and Erica has been haunted by it ever since. For the first time, Erica will receive counseling services as a result of a referral that LAF's social worker and I made on her behalf. Erica is on a path toward a safer and more stable life for herself and her children as a U visa applicant. I obtained a U visa certification from the police department to which she reported, and will file a U visa application on her behalf. With my assistance, Erica has initiated the process to ensure her ability to provide for and remain united with her family.

## Julie

Julie is a 17-year-old girl from Mexico. In order to get away from a dangerous and abusive relationship, she decided to visit family in the United States for a couple months. She hoped that with some time she could distance herself from that abuse, and then return to a safer and more stable situation. She took this goal seriously as she is the single parent of her young daughter. The family member that hosted her in the U.S., however, began grooming Julie and coerced her to engage in sex work. She manipulated Julie into thinking that this was the only way she could provide for her daughter and give her a good life. The trafficker intimidated Julie, threatened her with her immigration status, and controlled her with tactics such as keeping the money she earned. Julie felt hopeless and did not know how to get out of her trafficking situation.

Julie was eventually able to escape her trafficking situation and was referred to LAF.

Julie was eventually able to escape her trafficking situation and was referred to LAF. As a result, Julie has obtained a Civil No Contact Order protecting her from the trafficker for the next two years. Julie now has a case manager who connects her with benefits and services available to victims of trafficking. I am about to file her T visa application, so that she may remain in the U.S. to access these benefits and services, and stay to cooperate in the investigation and prosecution of this crime.

## Luis

Luis is my 25-year-old client who came to the U.S. from Mexico when he was less than one year old. For about the last four years, a co-worker subjected Luis to sexual harassment that included vulgar threats, name-calling, and homophobic slurs on a daily basis. The employer failed to correct the situation when Luis and other employees reported to supervisors, and the sexual harassment escalated until it eventually became physical.

Luis is now eligible for a U visa, and with LAF's assistance he is on a path to a safer life at work and in the only country he has ever known as home.

Luis now has new employment, and hopes to hold the former employer accountable by reporting the human rights violations he endured. On his behalf, I have filed an employment discrimination complaint with the City of Chicago Commission on Human Relations (CCHR). With my assistance, Luis seeks justice as well as immigration relief on the basis of these violations. Luis was eligible for and granted Deferred Action for Childhood Arrivals (DACA), which protected him from deportation and provided him with work authorization, but DACA is no longer an option for him. Luis is now eligible for a U visa, and with LAF's assistance he is on a path to a safer life at work and in the only country he has ever known as home.

### III. SUCCESS STORIES

The process of obtaining deferred action or a visa through U visa, T visa, and VAWA petitions can be a very long one, so the life of these cases often lasts several years. For example, it currently takes about two to three years to receive any response from USCIS on a U visa application, and the visa itself is not granted until about five years after the date of submission. Thus, in the first few months of my fellowship, my success stories will focus on certifications signed and applications submitted, as well as other advocacy wins on issues as they arise in individual cases.

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As outlined above, this quarter I have:

- Submitted two U visa applications;
- Filed one employment discrimination complaint with the City of Chicago Commission on Human Relations;
- Obtained five signed U visa certifications; and
- I am about to file one T visa application with three derivative applications.

### IV. GOALS for January – March 2018

My overall goal in this fellowship is to prepare quality applications efficiently – avoiding delays later on if USCIS were to request further evidence, and submitting applications within three to four months from when we accept the case. I have been working toward this goal, and expect that my pace will improve in the second quarter with more experience drafting letters, filling out USCIS forms, and gathering supporting evidence.

In the next three months, my goal is to file the following applications based on my current cases:

- One T visa application (two additional derivative applications)
- Two I-751s
- Five U visas
- Two U visa certification requests
- Two VAWA petitions

I also expect that I will request additional U visa certifications based on new cases I am assigned in the next three months.

I plan to meet these goals by maintaining strong organization of my cases and current tasks, managing my time efficiently, and by working at a slightly faster pace now that I have more experience with some of these applications and the legal arguments that we are making. I will also continue to collaborate with colleagues as a resource to problem solve and strategize.

### V. PERSONAL EXPERIENCE

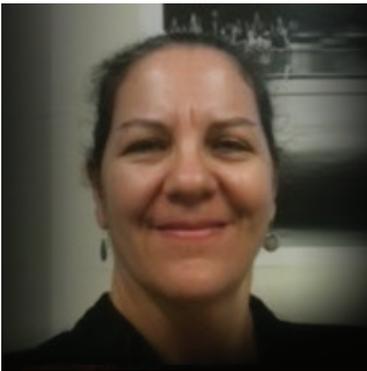
The direct client interaction involved in my work has been an excellent opportunity for me to continue developing my Spanish language and communication skills in addition to general interviewing skills. Also, because much of my work involved writing affidavits and cover letters, I have been developing my writing skills and exploring how to be an advocate for my clients by being a strong writer.

Through CAM, I have observed the problem solving and strategic decision-making of my colleagues. It has helped me better understand the legal issues that come up in our work, where there is room for advocacy to make an impact in our clients' cases, and get a broader view of the cases our team is handling beyond just those that I work on. Also, by conducting intakes and presenting those cases to my team for CAM, I am further developing my interviewing and presentation skills.

The one-on-one meetings with my supervisor have also been helpful in my professional development. I collect my questions and concerns throughout the week so that we can make the most of our scheduled time. Our meetings have helped me gauge my own progress, get insight from my supervisor about legal issues as well as how to balance doing client-centered work with managing a demanding caseload, and have also been an opportunity to ask administrative questions as I navigate a new position. The combination of her responsiveness by email or phone throughout the week, and our scheduled one-on-one meeting time, has made me feel very well supported in my work.

As I began my fellowship, critical steps in the process of my cases would sometimes overwhelm me. I understood how important particular tasks were to the outcome of the case, and felt especially aware of my inexperience, the combination of which made some of the work intimidating. I would delay working on certain tasks, such as drafting U visa certification request letters, when I felt I did not have enough information to get started or enough time to dedicate to them. However, in the last few weeks I have settled into the work and have felt more comfortable diving into my to-do list. I am moving my cases forward at a better pace while maintaining the attention to detail that it requires. I have become more efficient with some practice, applying my time management and organization skills daily.

## VI. SUPERVISION and SUPPORT



**Lisa Palumbo**  
Supervisory Attorney,  
Immigrants and Workers'  
Rights Practice Group, LAF

Lauren is astute and hardworking, and has become a well-integrated member of IWR's Immigration and Trafficking Projects. In addition to Lauren starting in the early fall, IWR had two additional paralegals and one attorney begin working, helping Lauren to learn a lot of new information at the same time as many of her colleagues. She has been very supportive of them, willing to take cases to be a strong and supportive team member, but also to put her skills to work right away. Her willingness to take on an "egg case" at the very start of her fellowship was impressive, and the case she was working on was very complicated. She handled the case very well and got all her work done in a timely manner.

Lauren fits in well because she is drawn to direct client service. She works well with clients, able to gather facts and help our clients understand the process in both a sensitive and efficient manner. She is not intimidated by the work and sees challenging cases as a way to enhance her skills and her knowledge. Although she suggested she was nervous about starting some tasks because she wasn't sure if she had all the information, this was short-lived and Lauren is now much more comfortable with her tasks.

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Needless to say, immigration law is very complex. Lauren is appreciating the nuances and demonstrates this more frequently as she presents cases at our case meetings, suggesting different ways to apply the facts or decide what to do in a particular case.

Lauren is very organized. Her weekly meetings always include a numbered list of her questions. She respects others' time, which reflects that she also uses her time efficiently.

Lauren is a pleasure to have on staff. She is a great colleague; fun, supportive and hardworking. We and our clients are fortunate to have her here.

*–Lisa Palumbo, Supervisory Attorney*

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