



EQUAL JUSTICE AMERICA

POST-GRADUATE FELLOWSHIP REPORT: JULY 2018

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

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

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I. SUMMARY AND ACHIEVEMENTS

This quarter I continued to work primarily on U visa and VAWA cases. I also dedicated significant time to advocating for my T visa client, planning our Modern-Day American Worker Conference, and supervising summer interns.

U visa and VAWA Cases

I filed 5 U visa applications, which included three derivative family members overall.

I filed these applications on behalf of clients who survived domestic violence committed by a spouse, aggravated domestic battery by family members, and sexual assault by strangers. I worked extensively with each client to gather the necessary documents, detail the abuse they suffered in their affidavit, and complete the immigration forms for their applications. To ensure that each application was filed before the required U visa certifications expired, I managed several cases in their final and most time-consuming stages simultaneously.



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

I am also working on 14 U visa, 8 VAWA, and 2 Adjustment of Status to Permanent Residency applications that are each at various stages in the process between case acceptance and filing. For these cases, I am preparing certification requests, meeting with clients, requesting records, gathering documents, and drafting affidavits. Again, I worked extensively with clients through the emotional process of writing their affidavit that described the abuse, their cooperation with law enforcement, and the substantial harm they suffered.

Victim/Witness Advocacy for T Visa Client

I am providing victim/witness advocacy to my T visa client as the criminal prosecution of her trafficker moves forward. As a result of my client's reporting and cooperation with law enforcement, prosecutors recently arrested and charged her trafficker under the Illinois Trafficking of Persons and Involuntary Servitude Act. As the victim, my client is the prosecution's primary witness in the criminal case. The detective and prosecutor rely on her to prove their case, but are not her advocates. I have exercised my role as my client's attorney to protect her rights and safety throughout the criminal case against the trafficker.

In this role, **I successfully advocated with local and federal law enforcement officials to submit an application for Continued Presence (CP)** on my client's behalf. CP is a temporary immigration status that may be granted to identified victims of human trafficking when their presence in the United States is necessary for law enforcement. A grant of CP allows survivors of human trafficking to remain in the U.S. during the ongoing investigation of the crimes committed against them. With CP my client will have a temporary legal status and will be authorized to work, helping her to regain stability in her life since escaping her trafficking situation.

U Visa Certifications

I requested five new U visa certifications this quarter from law enforcement agencies, including the Chicago Police Department, the

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Cook County State's Attorney's Office, and the Circuit Court of Cook County. Of those certifications I requested this quarter and those still pending from last quarter, **four have been signed and four are currently pending.**

Modern-Day American Worker Conference

I helped to coordinate LAF's Third Annual Modern-Day American Worker Conference that took place on May 10th and 11th. This year's conference, entitled *Over, Under, Through: Women Rising for Justice at Work*, focused on how women workers, including immigrant women, can seek justice through legal and non-legal means, and through creative advocacy strategies to combat sex assault and harassment, wage theft and inequity, and discrimination of many forms. In addition to general planning and coordinating, I worked on promotion and registration for the conference.

We had 80 attendees on May 10th for a panel of low-wage and immigrant workers. The women workers discussed their experiences in the workplace, the obstacles they face there, and what they have done to seek remedies for the injustices they face: sex harassment, pay inequity, discrimination and exploitation. Each a powerful speaker, the workers brought us perspectives from various industries, including the manufacturing, janitorial, and restaurant industries. The panel effectively centered advocates' discussions for the remainder of the conference on needs identified by workers themselves.

On May 11th, around 120 attendees joined us for the full day that began with a keynote address by Bernice Yeung. Ms. Yeung is a reporter from Reveal from The Center for Investigative Reporting, covering race and gender. She is the author of *In a Day's Work: The Fight to End Sexual Violence against America's Most Vulnerable Workers*, recently published in March 2018. Reinforcing the experiences of the worker panel from the previous day, Ms. Yeung described the results of her investigative reporting on low-wage women workers, and set the stage for a productive day of expert panelists discussing a breadth of employment and immigration issues. Especially relevant to the work that I do, the first panel entitled *Gender, Work and Immigration Status: Immigration Relief for Labor-Based Crimes and Human Trafficking* provided specific and actionable practice tips that I am incorporating into my work.

Summer Intern Mentorship

For the last several weeks, I have been directly supervising a summer law student intern. This opportunity to exercise my mentorship skills and also build support for my cases has made my work especially productive and interesting. At the start of his internship, I invested significant time in teaching and mentoring my intern on all aspects of our work in the immigration group, and my cases in particular. I assign him discrete tasks, advise him on how to handle cases, edit and provide feedback on his writing, explain the legal framework within which we work, and share my perspective and experience working with clients.

Weekly Work

My weekly work continues to include multiple intakes, our immigration case acceptance meeting, and my one-on-one meeting with my supervisor. I work with potential clients to evaluate their case and collect the documents needed to verify their eligibility for immigration relief, which requires regular follow up. I meet with clients, complete immigration forms, draft affidavits with clients, and translate affidavits that clients have drafted in Spanish. I advocate with various agencies to obtain documents, For each case, I make strategic decision about how to achieve my clients' goals and best represent them.

II. CLIENT STORIES

Laura

Laura came to the United States when she was 20 years old to find work in order to provide better opportunities for her two children. Her children remained in their native El Salvador in the care of family, and Laura joined her boyfriend, the children's father, in the U.S. and began working. From the time she arrived, Laura's boyfriend verbally, physically, sexually and emotionally abused her. Laura endured this abuse for ten years without the resources or means to get out. After an escalated incident of abuse, Laura sought an order of protection from the domestic violence court. LAF represented Laura in this case and now she has a two year restraining order against her abuser.

I filed a U visa application for Laura based on the domestic violence she survived. I also filed accompanying applications for her two children, who are now with her in the U.S. since fleeing life-threatening gang violence in El Salvador. With my assistance, Laura and her children are on a path to obtaining some stability and security that will help them overcome the traumas they have experienced.

Andrew

Andrew was having a verbal disagreement with two family members, when they began to physically attack him. The family members punched, kicked, and choked Andrew until he became unconscious. After a friend called the police, Andrew was taken to the hospital where he explained what happened to the responding officers, and then remained hospitalized for four days. Andrew cooperated in the investigation and prosecution of both family members, and obtained protective orders against both of them. I filed a U visa application for Andrew based on the domestic violence he endured, which sets him on a path toward regaining stability and independence in his life. The injuries Andrew sustained from the attack prevented him from working for nearly four months, caused him ongoing health complications, and split up his family. With my assistance, Andrew is establishing a safer life for himself and moving on from the physically and emotionally painful attack.

The injuries Andrew sustained from the attack prevented him from working for nearly four months, caused him ongoing health complications, and split up his family. With my assistance, Andrew is establishing a safer life for himself and moving on from the physically and emotionally painful attack.

I represent Jennifer in both her employment discrimination complaint against her employer, as well as her U visa case. With LAF's advocacy, Jennifer is regaining safety at work and on a path toward stability at home with her family.

Jennifer

Jennifer and her husband have four children, and have lived in the United States for nearly thirty years. Their oldest daughter has DACA, and their other three children are U.S. citizens. For the last two years, Jennifer's co-worker sexually harassed her at work. The harassment escalated when he followed and locked the door behind her, effectively restraining her until she yelled for help. Jennifer reported the harassment to her employer, but they took no action. When her co-worker groped her, Jennifer reported the conduct to her employer and to the police.

LAF has provided Jennifer with holistic representation to address each of her collateral legal needs as a result of the sexual harassment she endured at work. LAF represents Jennifer as she seeks a protective order against her co-worker to prohibit him from harassing her in the future. I represent Jennifer in both her employment discrimination complaint against her employer, as well as her U visa case. With LAF's advocacy, Jennifer is regaining safety at work and on a path toward stability at home with her family.

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 three to four years to receive any response from USCIS on a U visa application, and the visa itself is not granted until about five to seven years after the date of submission. Thus, in the first year 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.

As outlined above, this quarter I have:

- Filed five U visa applications with three derivatives;
- Obtained four signed U visa certifications;
- Helped to coordinate a conference on seeking justice for women workers, including immigrant women;
- Mentored a law student intern; and
- Successfully advocated for federal law enforcement to request Continued Presence on my T visa client's behalf.

IV. GOALS for July – September 2018

In the next three months, I hope to file the following applications:

- Two U visa applications
- Four U visa certification requests
- Two VAWA petitions
- Two supplemental filings to update already pending applications

I also expect my employment discrimination case to move forward in the next three months. I anticipate working with my client to prepare for an interview with the Investigator of his case.

Finally, I will participate in a two-day migrant outreach trip with my colleagues in August. We will visit sites throughout the state of Illinois to speak with migrant workers about their rights and learn about their working and living conditions. We will also provide human trafficking outreach to workers, whose isolated environment makes them especially vulnerable to exploitation.

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V. PERSONAL EXPERIENCE

Over the last few weeks, my team has been working to respond to shifting immigration policies and understand how they will impact our clients. New policies mean different risks and different eligibility for relief, and changes how we advise our clients. Having a local and national community of practitioners allows us to navigate the complex, discretionary, and changing immigration law landscape by sharing experience and expertise. I am grateful for the opportunity to learn from the work of other advocates when I participate in conference calls and meetings. I get to hear about case outcomes and strategic decisions that inform how I will approach my own cases. I observe the critical thinking and problem solving of other advocates, which is deepening my understanding of immigration law and broadening my scope of creative legal strategies. Working with my team at LAF, and engaging with advocates across the country, I am developing a framework for my own expertise.

VI. SUPERVISION and SUPPORT

Lauren has continued to grow this quarter. She is helping integrate new staff and acts as a mentor to guide them about in-house policies while also providing technical advice. Before the new staff began, Lauren worked diligently to manage the increase in intakes and deadlines in her caseload. She actively participates in our case acceptance meetings by providing strategy ideas for all staff. She has also provided our summer interns with substantial work that has allowed them to both grow as young professionals and learn about the importance of legal aid.

In addition, Lauren is quick to respond to the ever-changing world of immigration. We face new immigration policy that will result in more clients needing immigration defense in immigration court. Lauren is thinking proactively about her cases, provides sound advice to her clients, and is seeking out opportunities to increase her immigration litigation skills.

As IWR continues its restructure under new leadership, Lauren has shown to be a great team-player who is patient, thoughtful, and guided by doing what is best for her clients.

We remain so fortunate to have Lauren on staff. She is a key member of our team and will no doubt play a vital role as we re-strategize and expand.

– *Nubia Willman, Supervisor*

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