



EQUAL JUSTICE A M E R I C A

**POST GRADUATE
BI-ANNUAL REPORT**

**IMMIGRANTS'
RIGHTS
FELLOWSHIP**

**JULIA RIGAL
EJA FELLOW**

AYUDA, WASHINGTON, DC

FEBRUARY 2022



PART I. REFLECTIONS

I am so grateful to have had the opportunity to begin my legal career at Ayuda. I am constantly learning from my clients and colleagues what it means to be a client-centered immigration lawyer and to provide high quality immigration legal services. I am seeing the importance of building trust with clients by taking the time to listen to them, validating their experiences, discussing case strategy with them, and keeping them informed of the status of their cases.



Working at Ayuda has shown me how sharing and discussing our cases with colleagues can sustain us and make us better advocates for our clients. Ayuda's immigration legal team has a lengthy and diverse combined experience in immigration law, which I have access to through our weekly Case Review meetings and the possibility of contacting colleagues more informally at any time to ask questions. It is very helpful to be able to brainstorm ideas together and to draw on different people's experiences. Since arriving at Ayuda, I have also had the opportunity to be supervised by three talented attorneys who have encouraged me and provided critical support for my cases – Kate Clark, the Maryland office's former Immigration Managing Attorney, Laurie Ball Cooper, Ayuda's Legal Director, and Kelly Hii, former EJA Fellow and now-Supervising Attorney at our Maryland office.

Ayuda's model of holistic services has also been an essential part of providing quality services to clients. I have referred several clients to Social Services for case management and therapy services, including a client who was in urgent need of therapy for crisis intervention as we worked to prepare her T visa application. I have also utilized Ayuda's language services by requesting written and oral interpretation services on multiple occasions.



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Finally, I have witnessed over the past six months how the field of immigration law is a fast-changing area of law and how important it is to stay up to date with the latest developments in immigration law to best represent our clients. My Ayuda supervisors and other colleagues have recommended various trainings that have been helpful, such as AILA DC's mini-conference about recent updates to immigration law and CLINIC's Comprehensive Overview of Immigration Law course, which I've been attending for the past six weeks.

PART II. INITIATIVES

During the first six months of my fellowship, my work focused on:

- Introducing myself to clients and getting familiarized with their cases
- Preparing applications for adjustment of status and humanitarian parole
- Working with client to prepare a complex T visa application
- Interviewing clients and family members and drafting client declarations and witness affidavits for asylum cases
- Preparing and filing work permit renewal applications
- Attending various trainings to expand my knowledge of immigration law

PART III. CLIENTS SERVED

Over the past six months, I served a total of 50 clients in a variety of immigration



matters. The great majority of the clients I worked with over the past six months have humanitarian-based immigration claims, such as asylum, U and T Nonimmigrant Status, VAWA, and Special Immigrant Juvenile Status. I mostly worked on affirmative cases before U.S. Citizenship and Immigration Services (USCIS), and I did some work on defensive cases before the Executive Office for Immigration Review, such as checking the status of cases and immigration court hearings, drafting requests for prosecutorial discretion and motions to dismiss, and communicating with the immigration court about the status of motions filed for clients.

“THE GREAT MAJORITY OF THE CLIENTS I WORKED WITH OVER THE PAST SIX MONTHS HAVE HUMANITARIAN-BASED IMMIGRATION CLAIMS, SUCH AS ASYLUM, U AND T NONIMMIGRANT STATUS, VAWA, AND SPECIAL IMMIGRANT JUVENILE STATUS.”

SERVICES PROVIDED

2 Applications to Adjust Status (Green Card Application) for Clients with T Nonimmigrant Status

- Went through contract for legal services with one client
- Met with clients to fill out forms and draft addenda and declarations
- Gathered and organized supporting documents
- Took clients' fingerprints and submitted them for FBI background checks
- Assembled applications with cover letter, forms, client declarations, and supporting documents
- Filed application for one client; waiting for adjudication of derivative T visa before filing for the other client

1 Petition for Derivative T Nonimmigrant Status

- Met with clients to finalize petition for derivative T Nonimmigrant Status
- Filed the petition for T Nonimmigrant Status and work permit application



- Worked with clients to prepare expedite request for derivative T visa application

1 Application for T Nonimmigrant Status

- Worked extensively with client to draft declaration for complex T visa application involving multiple forms of trafficking
- Coordinated psychological evaluation for client
- Prepared with client to report trafficking to law enforcement
- Completed forms for T visa application

7 Work Permit Renewal Applications

- Went through retainers with clients
- Filled out I-765 applications for 7 clients
- Prepared 2 fee waiver requests; collected and organized supporting documents
- Assembled and filed the applications

3 Applications for Advance Parole

- Explained possibility of applying for advance parole, which would allow them to re-enter the United States after travelling abroad, to 4 clients
- Prepared I-131 advance parole applications for 3 clients
- Discussed strategy for fastest adjudication of the advance parole application with colleagues and with one client
- Filed applications for 2 clients

5 Responses to Requests for Evidence for Medical Exams

- Received Requests for Evidence (RFEs) for clients' medical exams to complete their green card applications and discussed RFEs with clients
- Reviewed copies of clients' medical exams and identified potential issues
- Discussed medical exams with clients and doctors and obtained revised versions
- Assembled RFE responses with cover letter and submitted to USCIS

2 Applications for Humanitarian Parole

- Had consultation with current client with pending U visa about how her derivative children could come to the United States while waiting for U visa adjudication,



because they are in danger in home country

- Went through contracts for legal services, releases to share information, and consent for joint representation with clients
- Worked with clients to prepare 2 applications for humanitarian parole: filled out forms, drafted multiple affidavits, collected evidence

2 Witness Affidavits for Asylum Application

- Interviewed client's parents to draft witness affidavits for asylum application
- Had follow-up calls with parents and made edits to the affidavits
- Translated affidavits to parents and collected their signatures

1 U Certification Request

- Followed up with police department about a U certification request that was submitted for a client several months ago, which would allow her to apply for a U visa based on having been the victim of a qualifying crime
- Researched and presented arguments for why the crime committed should qualify as both felonious assault and kidnapping
- At the request of the chief of police, edited U certification form
- Communicated with police department many times and obtained the signed certification

9 Freedom of Information Act (FOIA) Requests

- Prepared Freedom of Information Act Requests with USCIS, Customs and Border Protection (CBP), and Office of Biometric Identity Management (OBIM) to learn more about clients' immigration history
- Coordinated with clients for client who is located abroad to try to get fingerprints taken for OBIM FOIA
- Filed 6 FOIA requests online with USCIS and CBP

3 Motions to Dismiss Removal Proceedings

- Drafted requests for prosecutorial discretion to dismiss removal proceedings for 2 clients



- Drafted a motion to dismiss and a motion to reopen and dismiss
- Communicated with immigration court about reissuing an order from immigration judge granting a client's motion to dismiss

4 Consultations

- Observed consultations with 4 clients, telephonically and in person
- Discussed consultations with supervisors
- Drafted consult notes for one of the consultations
- Communicated with client about follow-up call and consultation with her sister

4 Client Referrals

- Referred clients to Ayuda's Social Services Team for case management and therapy services
- Worked with Ayuda's Social Services team on clients' cases
- Collaborated with Asylee Women's Enterprise to enroll a client in the Trafficking Victims Assistance Program so that she can receive benefits

PART IV. SUCCESSES

1. Submitted an early adjustment application for a client who was a survivor of trafficking

Marco* was granted a T visa at the beginning of last year based on a severe form of human trafficking that was committed against him on his journey to the United States. While travelling to the United States by bus, Marco was targeted by a man who saw that he was young and had very little to eat. The man offered him food and said that he would help him get to the United States. Marco was brought to a strange place where he was kept for days and horribly treated. He was not able to bathe, was physically beaten, and was given hardly anything to eat. After some time, the traffickers made Marco carry a very heavy bag from Mexico into the United States, threatening to kill him if he refused. After Marco was granted T Nonimmigrant Status based on the trafficking he survived, he obtained a certification letter from the Department of Justice showing that he had



reported his trafficking and that the investigation into his trafficking is closed. Marco could therefore apply for adjustment of status without waiting for the usual 3- year period of continuous presence as a T Nonimmigrant.

I first met with Marco at the beginning of my fellowship to go through the forms for his green card application. Over the course of about three months, we had several calls and an in-person meeting to prepare his application, collect supporting documents, and draft his declaration. We also discussed the best strategy for Marco to be able to visit his father as soon as possible. During our first meeting, Marco explained that he would like to visit his father who is sick, so we prepared an application for advance parole which would allow him to re-enter the U.S. after travelling abroad. During Case Review, I asked my Ayuda colleagues about the approximate processing times for advance parole. Several colleagues shared that the application for advance parole on its own is usually adjudicated in just a few months, but the process is a lot longer when it is submitted concurrently with an I-765 application for work authorization. I discussed with Marco the option of submitting only the application for advance parole with his adjustment application, for faster adjudication of the advance parole. Marco decided that he preferred to submit only the advance parole application, since his work permit is still valid for several years and his priority is to be able to visit his father as soon as possible.

2. Drafted complex client declaration for T visa application and prepared client to report

Throughout my first six months at Ayuda, I have worked closely with Beatriz* on her T visa application. Beatriz has suffered multiple forms of trafficking resulting in a lot of trauma, and she wants to seek justice against her traffickers. However, she is afraid of being deported because several of her traffickers threatened to have her deported if she reported them. We are therefore planning to prepare the T visa application as much as possible before reporting to law enforcement, so that I can submit the T visa application soon after Beatriz reports. I am also preparing a stay of removal application for Beatriz to have ready just in case she is apprehended by ICE, to explain that she was a victim of trafficking who is seeking a T visa and that she should not be deported. Beatriz and I



have made a lot of progress on her case. She participated in a psychological evaluation which will be a helpful piece of evidence for her application. After several lengthy phone calls and one in-person meeting, and with helpful suggestions from my supervisor Kelly,

“BEATRIZ HAS SUFFERED MULTIPLE FORMS OF TRAFFICKING RESULTING IN A LOT OF TRAUMA, AND SHE WANTS TO SEEK JUSTICE AGAINST HER TRAFFICKERS. HOWEVER, SHE IS AFRAID OF BEING DEPORTED BECAUSE SEVERAL OF HER TRAFFICKERS THREATENED TO HAVE HER DEPORTED IF SHE REPORTED THEM.”

I have completed a draft of Beatriz's declaration. I have also updated the forms for Beatriz and her four derivative children, which were

filled out by intern Nancy Dordal last summer. I am finalizing Beatriz's draft T visa application and she will soon be ready to report her trafficking and apply for her T visa.

3. Obtained a U certification from police department so that client can apply for a U visa

Back in April 2021, my former supervisor Kate submitted a request for a U certification for one of her clients, Matilde*. Obtaining a U certification from law enforcement is necessary to apply for a U visa, which is a type of nonimmigrant status that is available for people who have been victims of certain qualifying crimes in the U.S. The request was pending with the police department for several months, past the 90-day deadline. In August, Kate was informed that the procedure for U certification requests had changed, and she had to submit it to a different police department.

At the end of September, I reached out to the police department to follow up on the pending U certification request. For the next four months, I frequently followed up with the assistant to the chief of police about the status of Matilde's U certification request. Due to many changes in staff and procedure, the police department was taking a very long time to review and approve U certification requests. They asked that we make certain modifications to the form, and I researched and presented arguments as to why we believed that the crimes that occurred included both felonious assault and kidnapping under Maryland law. After reviewing the request, the police department did not agree



that kidnapping had occurred, so I had to submit an updated U certification form based on felonious assault. After several more follow-ups, we finally received the signed U certification from the police department by the end of January.

Throughout this process, I communicated with Matilde about the status of the request and informed her of my many exchanges with the police department. It was important to obtain this U certification as soon as possible so that Matilde could include her daughter as a derivative on her U visa application. U visa applicants who are over 21 can only include as derivatives spouses and children under the age of 21. After obtaining the U certification, I transferred Matilde's case to Deepa Bijpuria, Maryland's new Immigration Managing Attorney, who will represent Matilde in her U visa application.

4. Successfully referred a client to an outside organization and helped to enroll her in the Trafficking Victims Assistance Program

Upon discussing with two of my clients, a married couple, the financial difficulties that they have been facing, I asked Ayuda's Social Services team if it might be possible to enroll Aida* in the Trafficking Victims Assistance Program (TVAP), since she is the beneficiary of a T visa. Even though the Social Services team is at capacity at the moment, Supervising Case Manager Maria Vethencourt took the time to discuss the case with me and suggest other organizations that may be able to help. After I contacted Asylee Women Enterprise, TVAP Coordinator Lauri Hidalgo reached out to me and offered to help enroll Aida in TVAP. After discussing with Aida and obtaining her informed consent, I relayed some of her information and her T approval notice to Lauri, who was able to get her enrolled for TVAP services just a couple of days later. Hopefully, being enrolled in TVAP will help Aida achieve some financial stability and better overcome the trauma she experienced.

PART V. CHALLENGES

1. Communication Difficulties with Some Clients

Some clients can be difficult to reach, which makes it more difficult to move forward



with their cases. I am working on an asylum case for Esteban*, a young client who has been difficult to get in touch with at times. I tried contacting Esteban to let him know that Physicians for Human Rights had assigned a doctor to conduct a physical and psychological examination for his asylum case. However, it was hard for me to get in touch with him for several weeks, so I was not able to confirm the date of the evaluation. My supervisor Kelly helped me brainstorm ways to reach Esteban, and I also received support from Legal Director Laurie regarding the ethical considerations of what I could discuss with the client's father and at what point I might have to withdraw from the case if I were unable to reach the client. Last week, I finally heard back from Esteban, and we were able to schedule a meeting to work on his application and to reschedule his evaluation.

I also worked on a case with Laurie to conduct consultations for a family of sisters who had survived trafficking. These clients were referred to us by Social Services. I observed the first consultation conducted by Laurie with the oldest sister, Maya*. After a follow-up call with Maya during which Laurie gave her legal advice regarding her case, I tried contacting Maya to schedule a consultation with her younger sister, but I was never able to reach her. After some time, her phone number was cancelled, and the emails I tried to send her bounced back. We could not contact the family by mail because they did not have a safe address for us to send mail to. I eventually had to close the case, because I had no way of reaching Maya or her sister. Through these experiences, I learned about how we must sometimes get creative to figure out how to reach our clients and how, unfortunately, if nothing works, we may be unable to represent them.

2. Delay in Adjustment of Status Application

At the beginning of my fellowship, I took over a case for Aida*, a client whose T visa was approved at the beginning of 2021. Similarly to Marco's case described above, Aida reported her trafficking and the investigation is closed, so she is eligible to apply for adjustment of status without waiting until she has been a T Nonimmigrant for 3 years. Aida received a certification letter from the Department of Justice in August 2021. Around the same time, Ayuda was working with Aida to prepare a petition for derivative



T Nonimmigrant Status for her husband. I met with Aida and her husband to finalize the forms for her husband's T visa application and filed the application. We then worked on supervising me around the time that the application was almost complete. While we were discussing the case, Kelly pointed out that we may need to wait for Aida's husband's T visa to be processed before submitting her adjustment application. I brought this up with the rest of the team who confirmed that it would be risky to file the adjustment application while the derivative T status petition was still pending, because if the adjustment were approved first, Aida's husband would no longer be eligible for derivative T Status. I explained this to Aida and her husband, and they agreed that it would be best to wait to file the adjustment application.

We discussed the possibility of submitting a request for expedited processing of the petition for derivative T status, so that it is hopefully approved faster. Aida and her husband have a compelling case for an expedite request, due to their lack of financial stability, their health problems, and their age. I am working with Aida and her husband to submit this expedite request soon, which will hopefully help move their case forward.

3. Long and Uncertain Processing Times

Another challenge that often arises when practicing immigration law is not being able to give clients a clear estimate of how long their case will take and having to manage expectations regarding how long the processing times are. For example, there is no indication on the USCIS website of how long it takes to process a petition for derivative T Nonimmigrant Status submitted once the principal applicant's T visa was already approved. In many cases, clients must wait for their applications to be approved before they can be reunited with their children or other family members. The uncertainty regarding processing times has increased due to the COVID-19 pandemic. For instance, one of my clients who is applying for a T visa asked about how long it would take for her son to come to the U.S. once his derivative T visa is approved. I asked my colleagues for their thoughts on this during Case Review, and they said that it was impossible to give the client an estimate. Before the pandemic, consular processing for a T derivative



would take about 3-4 months, but now it has been taking a lot longer and the amount of time varies depending on the consulate.

“THERE IS NO INDICATION ON THE USCIS WEBSITE OF HOW LONG IT TAKES TO PROCESS A PETITION FOR DERIVATIVE T NONIMMIGRANT STATUS SUBMITTED ONCE THE PRINCIPAL APPLICANT'S T VISA WAS ALREADY APPROVED. IN MANY CASES, CLIENTS MUST WAIT FOR THEIR APPLICATIONS TO BE APPROVED BEFORE THEY CAN BE REUNITED WITH THEIR CHILDREN OR OTHER FAMILY MEMBERS.

THE UNCERTAINTY REGARDING PROCESSING TIMES HAS INCREASED DUE TO THE COVID-19 PANDEMIC.”

PART VI. GOALS FOR MARCH-AUGUST 2022

Finalize and File Applications I am Currently Working on

- Assist client in reporting trafficking to law enforcement and file T visa application for her and 4 derivative children
- Submit expedited processing request for derivative T visa application
- File 2 applications for humanitarian parole
- Finish drafting motion to substitute counsel and motion to reopen and dismiss removal proceedings for client whose T visa was granted

Continue Work on Current Cases

- Prepare second T visa application
- Prepare and file petition for derivative T Nonimmigrant Status
- Request Attorney General certification for client who is eligible to adjust status after



grant of T visa

- Prepare and file 2 applications for humanitarian parole for client with pending VAWA one-step
- Assist in the preparation of an individual hearing for an asylum case
- Finalize client declarations and begin collecting evidence for 3 asylum cases

Expand Types of Cases and Understanding of Immigration Law

- Conduct client consultations
- Work on family-based/consular processing cases
- Work on 1 Special Immigrant Juvenile case
- Complete CLINIC's Comprehensive Overview of Immigration Law course and continue to attend relevant trainings
- Learn more about social services available to our clients to effectively provide holistic services

**Client names have been modified to protect confidentiality.*



Kelly P. Hii, Esq.

Admitted to the Bar of Maryland and the District of Columbia. Practice outside of Maryland and D.C. limited to Immigration and Nationality law.

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February 16, 2022

Dan Ruben
Equal Justice America
Executive Director

Virginia Office
2701 Prosperity Avenue
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(703) 444-7009

Re: Bi-Annual Supervisor Report for Julia Rigal

Dear Mr. Ruben:

I am writing to provide a Supervisor Report for Julia Rigal, Ayuda's Equal Justice America Fellow. I have been supervising Julia since November of 2021. Previously, she was supervised by our Legal Director Laurie Ball Cooper. This report reflects both my personal experience working with Julia over the past four months, as well as feedback received from her previous supervisor.

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Julia has been an outstanding addition to the Maryland Immigration Legal Team. She has patiently and compassionately worked with clients, and brilliantly and effectively used law and evidence to present strong cases before the U.S. Citizenship and Immigration Service (USCIS) and the Immigration Courts. She has already grown a great deal in the six months that she has been an EJA Fellow at Ayuda and I know she will only to continue to grow in the months to come.

www.ayuda.com

I want to highlight a particular case that Julia has been working on since I began supervising her last November. The client is a survivor of multiple forms of labor and sex trafficking and was initially too ashamed to be seen in person. Julia patiently spoke with this client for hours on the phone until she eventually felt comfortable enough with Julia to come into the office for an in-person meeting. Julia has further been able to build trust with this client to the point where the client even revealed another form of severe trafficking of which she was the victim. Julia is currently working with the client to make a report of this trafficking because the client wishes to see justice and protect other potential future victims of her trafficker. Julia constantly keeps her clients' desires at the forefront and does everything she can to advocate for her clients. In this case, Julia is getting ready to file a T visa for the client and her family members so that they can be on the path towards stability. Julia has also connected this client with Ayuda's social service team, who has been

working with the client to use her new work permit to gain lawful and safe employment.

Julia does not hesitate to go above and beyond in zealously representing her clients. In another case Julia is working on, she learned that her client's two children are currently in danger and being threatened by an armed criminal group in their home country. Unfortunately, the case Julia is working on would not allow the children to come to the U.S. for several more years. However, Julia creatively sought out other solutions for this family and ended up building a strong case that the children should be paroled in the U.S. for urgent humanitarian reasons. Julia worked tirelessly with this family to draft and translate declarations explaining their urgent need for safety. She even obtained a psychological evaluation from a psychologist in the child's home country, which is not an easy task. She wrote a compelling and well-supported cover letter explaining the legal basis for allowing the children to enter the U.S. and be reunited with their mother. Julia continues to tirelessly work with the family to gather evidence so that she can submit the strongest case possible to USCIS.

Finally, Julia has been able to submit several work permits and green card applications for her clients over the past six months. She has also supported her colleague in preparation for a client's asylum interview. Julia has not hesitated to take on new case types and engage in trainings on new topics. She has even volunteered to serve as co-counsel for another colleague's upcoming individual hearing before the immigration court this May. I am confident that Julia will continue to grow as an attorney through these diverse and challenging experiences. She is making a difference in the lives of her clients every day, whether by filing a case or being a listening ear and providing resources and support. Ayuda could not be more grateful for sponsors and donors of Equal Justice America for making Julia's fellowship possible. Through their generosity, they are changing our client's lives and giving them an opportunity for a brighter future.

If you have any questions, please don't hesitate to contact me by phone at 202-552-3618 or email at Kelly.hii@ayuda.com.

Sincerely,



Kelly Hii