

**SEPTEMBER
2022**

**EQUAL JUSTICE
A M E R I C A**



**POST GRADUATE
BI-ANNUAL REPORT**

**IMMIGRANTS'
RIGHTS
FELLOWSHIP**

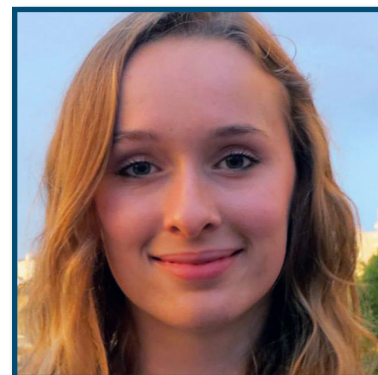
**JULIA RIGAL
EJA FELLOW**

AYUDA, WASHINGTON, DC



PART I. REFLECTIONS

Over the past 6 months, I have worked on advancing all of my active cases and having a manageable caseload so as not to neglect any of my cases. I have found that it is more efficient to work on fewer cases at a time and get through them more quickly, rather than having more active cases and taking longer to get to each of them. It is also nice to have a mix of long, “heavier” cases that last several months and “lighter” cases that can be completed more quickly. I have also enjoyed doing consultations and taking on some new cases this past semester, and I am looking forward to getting more new cases over the next six months. However, it can be easy once I take on one new consult to want to take on lots of them, and I must remind myself that I don’t want to get overwhelmed and end up with more cases than I can handle.



Working in direct services, there is always something to do – in fact, there are always lots of things to do, so it is important to stay organized. I have been finding ways to organize my time, such as taking an hour on Friday to plan which cases I will focus on each day the following week.

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With encouragement from my supervisor Kelly Hii, I have also worked on maintaining a good work-life balance, which is an important value at Ayuda. I have been more flexible about taking some time off during regular work hours to compensate for hours worked outside regular work hours. I took two weeks off during the summer and didn’t do any work during that time. I still need to get better at scheduling regular breaks throughout the day,



especially when I'm in the office, because I've noticed that I get really tired at the end of the day if I've spent the whole day looking at the computer – which is even harder not to do with all our meetings and trainings being remote now!

During the past semester, I have had the opportunity to engage in work other than my regular casework. As explained below, I began participating in Ayuda's pro bono clinics, first as an observer and then as a mentor to the pro bono attorneys conducting immigration consultations. I also became involved in the Migrant Solidarity Mutual Aid Network which welcomes and provides support to migrants who are being bused to Washington, DC from Texas and Arizona. I first joined this initiative on a volunteer basis after hearing about it from my Social Services colleague Kirstie Sippola, but I was soon able to do legal work for the effort on work hours when Executive Director Paula Fitzgerald and Legal Director Megan Turngren asked me to be part of a pilot project to provide brief advice and counsel (BAC) to newly arrived folks. I am very grateful for the opportunity to dedicate more time to this effort and to provide some more short-term immigration services. I am excited to continue working on this effort, my current cases, and new cases in the coming months.

PART II. INITIATIVES

During the second semester of my fellowship, I have focused on:

- Beginning to do some consults/take on new clients
- Working with client to finalize a complex T visa application
- Developing clients' asylum declarations and the legal theory for each case
- Preparing and filing my first naturalization applications
- Becoming involved in the Migrant Solidarity Mutual Aid network and providing legal orientation/brief advice and counsel to newly arrived migrants
- Continuing to attend trainings to expand my knowledge of immigration law, including COIL, T visa training, VAWA training, virtual training about taxes and immigration law



PART III. CLIENTS SERVED

Over the past six months, I served a total of 43 clients in a variety of immigration matters before U.S. Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), and immigration court. I have worked on humanitarian-based applications, such as asylum, T Nonimmigrant Status, and humanitarian parole, as well as a couple of family-based consular processing cases, and some green card renewal and naturalization applications. I have also started doing more consultations and mentoring pro bono attorneys at Ayuda's pro bono clinics.

In addition to the 43 clients I have represented in immigration matters, I provided brief advice and counsel to 35 recently-arrived migrants who were bused to Washington, DC from Texas.

“OVER THE PAST SIX MONTHS, I SERVED A TOTAL OF 43 CLIENTS IN A VARIETY OF IMMIGRATION MATTERS BEFORE U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS), IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE), AND IMMIGRATION COURT.”

Completed Services

3 Motions Submitted in Immigration Court

- Prepared and submitted a motion to continue for an asylum case to allow us and the client more time to prepare for the hearing. We were not certain that the motion would be granted because it was not the first motion to continue filed in this case. I had a call with the ICE attorney who consented to not oppose the motion, and the motion was granted.
- Drafted and filed a motion for severance and motion to dismiss for a client in removal proceedings after her petition for Special Immigration Juvenile Status was granted. Also submitted a request for prosecutorial discretion which was



approved by the ICE attorney.

- Submitted a motion to substitute counsel for a defensive asylum client

2 Applications for Humanitarian Parole

- Updated forms and affidavits
- Worked with clients to collect financial documents and complete Affidavits of Support
- Drafted cover letter with legal arguments in favor of humanitarian parole being granted for both beneficiaries
- Assembled and filed applications

2 Naturalization Applications

- Conducted consultations with clients and established eligibility for naturalization
- Submitted FBI background check requests to make sure there were not any criminal issues the clients were not aware of
- Prepared fee waiver requests
- Met with clients to fill out applications and collect supporting documents, including documentation for a criminal case against one client who was found not guilty
- Collaborated with Paralegal Blanca Arriola Palma to prepare and submit applications

1 Application for Derivative T Nonimmigrant Status

- Prepared and submitted application for derivative T Nonimmigrant Status for a client's mom who is abroad
- Included a detailed request for expedited processing based on the hardship that my client is facing due to her mom being far away from her
- Advised client about the risks of applying to adjust her status (apply for her green card) before her mother arrived in the US on her derivative T visa

3 Stay of Removal Applications and Remote Support for ICE Check-in

- Prepared stay of removal applications for 3 clients who have pre-existing in absentia removal orders (because they missed an immigration court hearing)
- Sent the applications to my client so that she has them on hand in case she encounters



ICE and needs to explain why she and her children should not be deported

- Provided remote support to client when she attended her ICE check-in
- At the ICE check-in, clients' orders of supervision were extended by one year

2 Requests for Expedited Processing

- Submitted one request for expedited processing along with a client's petition for a derivative T visa for her mom (see above)
- Submitted a request for expedited processing for a pending derivative T visa application, based on the clients' advanced age, medical issues, and severe financial and emotional hardship
 - o The expedite request was approved

Alternative Biometrics Evidence for 2 U Visa Derivatives

- Gathered alternative biometrics evidence (police certificates, client declarations, email correspondence with consulate to show they are not scheduling biometrics appointments)
- Drafted cover letter
- Worked with intern Maria Andrea Valderrama to complete, assemble, and submit evidence to USCIS
- Confirmed with USCIS via email that they received the alternative evidence

6 Initial Work Permit Applications

- Prepared and submitted 1 initial category (c)(8) Employment Authorization Document (EAD) application for a client who is an asylum applicant
 - o Following an RFE from USCIS, submitted additional documentation and legal arguments
- Submitted 3 category (c)(14) EAD applications for Special Immigrant Juveniles (SIJs) who were recently granted deferred action under a new USCIS policy
 - o 2 of these were granted and 1 is still pending
 - o 1 application was initially rejected because the USCIS officer wrongly requested



that we submit more evidence with the fee waiver request. Intern Isabel MacDonald and Paralegal Blanca Arriola Palma helped me re-submit this application requesting supervisory review and further explaining the USCIS policy regarding fee waiver requests for (c)(14) EAD applications submitted by SIJs

- Filed 2 category (c)(18) applications for minor clients who have final orders of removal and are under orders of supervision

Brief Services

- Submitted 2 work permit renewal applications with fee waiver requests
- Filed 3 permanent resident card (green card) renewal applications on Form I-90
 - o 1 was submitted online; 2 were paper-filed with fee waiver requests
 - o For the 2 adult clients, I took their fingerprints and submitted FBI background checks before submitting their I-90 applications
- Filed 1 Application for Advance Parole on Form I-131 for a client on a T derivative visa who wishes to travel abroad to visit his grandmother
- Sent 1 request for an Attorney General certification letter for a T visa client so that she can apply for early adjustment of status
- Submitted 4 Freedom of Information Act (FOIA) requests to learn more about clients' immigration history
- Received responses to 7 FOIA requests, reviewed them and discussed contents with clients and how they might affect their cases
- Sent 1 Change of Address Form to USCIS for a client who moved

Consultations

- Conducted 6 full consultations with clients where I assessed their eligibility for various immigration benefits, including green card renewals, naturalization, U Nonimmigrant Status, and Special Immigrant Juvenile Status
- Participated in 3 pro bono clinics where Ayuda "mentors" provide guidance to pro bono attorneys while they conduct immigration consultations and give advice to participants on their legal options



- o Observed 1 clinic and mentored at 2 clinics

Brief Advice and Counsel for Newly Arrived Migrants

- Provided brief advice and counsel (BAC) to 35 individuals who arrived on the buses that the Texas and Arizona governors are sending to Washington, DC
- Provided BAC remotely over the phone, in-person at the respite center the day the buses arrived, and in-person at Blair Shelter for people who are remaining in DC
- Drafted summary of BAC with links to more detailed information to share

In Progress

4 Asylum Cases

- Developing asylum declarations and brainstorming legal theory of each case
- Conducting legal research to define and support clients' asylum claims
- Drafting witness affidavits
- For defensive case, preparing to file written pleadings and request an individual hearing once we are ready

Applications for T Nonimmigrant Status

- Finalizing complex T visa application for 1 principal client and 4 derivatives: finalizing client's declarations and legal arguments in cover letter, reviewing and updating the forms, assembling the application
 - o Reported trafficking to Homeland Security Investigations; investigation is ongoing
 - o Conducted country conditions research
 - o Developed legal arguments to show client's T visa eligibility
- Working on workplace sex and labor trafficking T visa application for another client
 - o Started filling out forms and collecting documents and information from client
 - o Client received police report
 - o Requested psychological evaluation through Physicians for Human Rights



2 U Visa certification requests

- Conducted consultation with minor client
- Established U visa eligibility based on child sexual abuse committed by father and attempted sexual assault by an acquaintance
- Worked with client and her mom to prepare U certification requests for each qualifying crime
- Consulted with law enforcement and Office of the County Attorney regarding U certification request process
- Requested police report from Montgomery County Police Department

2 Family-Based Consular Processing Cases

- Filled out/prepared answers for the DS-260
- Filled out Affidavits of Support and started collecting financial documents
- Advocated for clients with the National Visa Center
- Advised client of the risk of abandoning permanent residence if he spends too much time outside the US and is based in another country

Case Assistance Requests to the USCIS Ombudsman for Family of 5

- Prepared 5 case assistance requests to submit to the USCIS ombudsman for a family whose green card applications have been pending for over 3 years
- Spoke with clients and drafted declarations explaining the particular hardship they are under due to the abnormally long processing time

PART IV. SUCCESSES

1. Motions Granted by Immigration Court

During the last six months, I assisted our Managing Attorney Deepa Bijpuria with a defensive asylum case. One of the tasks I took on was to draft and submit a motion to continue to request additional time to prepare for the merits hearing in the case.



This is a complex asylum case involving Diana*, a client who is highly traumatized by her past experiences, which are the basis of her asylum claim. Deepa joined Ayuda in December, and at the end of January she learned that the individual merits hearing had been pushed up to May 2022 instead of January 2023. Upon reviewing the case and meeting with Diana, we quickly realized that it would be nearly impossible to put on the best case with so little time to prepare. Additionally, the country conditions expert witness, who had agreed to testify in court, was not available at the new hearing date. Diana agreed that she would like to file a motion to continue. We were worried that the motion to continue might not be granted, because continuances had already been granted in the case and the last judge had said that he would not approve any other motions to continue. However, Deepa obtained an affidavit from the expert witness confirming his unavailability, and I managed to get in touch with the ICE attorney to ask her if I could state in the motion that the ICE Office of the Principal Legal Advisor (OPLA) was not opposed to our motion. At first, the attorney was hesitant to agree, because she saw there had already been several continuances in this case, but I explained to her our arguments about the unavailability of the expert witness, the fact that Deepa and I are new on the case, and our need for time to build rapport with a highly traumatized client. The ICE attorney agreed to not oppose the motion, and the motion was granted. The hearing was pushed back to January 2023, which has allowed us much-needed additional time to work with Diana and build the best possible case with her.

“THE ICE ATTORNEY AGREED TO NOT OPPOSE THE MOTION, AND THE MOTION WAS GRANTED. THE HEARING WAS PUSHED BACK TO JANUARY 2023, WHICH HAS ALLOWED US MUCH-NEEDED ADDITIONAL TIME TO WORK WITH DIANA AND BUILD THE BEST POSSIBLE CASE WITH HER.”

Diana’s daughter, Hanna*, was a derivative in Diana’s asylum claim. However,



Hanna was granted Special Immigrant Juvenile Status, which allowed us to file a motion to sever their removal cases and to dismiss Hanna's case. OPLA agreed not to oppose this motion, and it was also granted by the immigration court. This means that Hanna is no longer at risk of being ordered removed if her mother's asylum claim fails.

2. T Visa Client Traveling with Advance Parole Document

In my first bi-annual report, I mentioned how I submitted an application for adjustment of status for Marco*, a client who was granted a T visa in March 2021. I explained how Marco was hoping to visit his father who is sick, so he applied for an advance parole document which would allow him to return to the U.S. after foreign travel while his green card application is pending. In March 2022, Marco's advance parole document was granted. He was not able to travel right away, but he really wanted to go back to his home country to visit his dad, as well as his mom and his siblings. Marco was worried about the possibility of not being let back into the U.S. even though he was granted advance parole. After checking with my Ayuda colleagues, I informed him that even though USCIS does not guarantee that Customs and Border Protection (CBP) will let someone back in on an advance parole document, in our experience this has never been an issue for T visa holders with pending adjustment applications. I helped Marco prepare and organize the documents and photocopies that he needed to bring with him on his trip, and he is currently visiting his father this week. I let Marco know that I will be available for him to contact me if he should encounter any issues when he gets back to the U.S.

3. Lengthy Asylum Declaration Developed after Building Rapport

Over the course of a few weeks, I met regularly with Lorena* to develop her asylum declaration. Lorena survived severe domestic violence at the hands of her son's father and is seeking asylum on that basis. When I first spoke to Lorena over the phone a few months ago to ask her some follow-up questions about the declaration



that her previous attorney had started drafting with her, she responded with minimal detail. Since then, I met with her several times in person to work on her work permit renewal, submit FOIA requests, and further develop her declaration. Lorena became more comfortable working with me and opened up about a lot of details of her story which will be helpful in making the argument that she should be granted asylum.

4. Work Permit Approvals

I received 7 approved work permits for clients during the last 6 months, including 5 renewed work permits for clients with pending green card applications and 2 initial work permits for Special Immigrant Juveniles.

5. Attorney General Certification Letter

With the help of one of our summer interns, Isabel MacDonald, I prepared and sent a request to the Department of Justice (DOJ) for a certification letter for Layla*, a client with an approved T visa. Once someone becomes a T nonimmigrant, they are generally eligible to apply for adjustment of status after 3 years in T Nonimmigrant Status, or once the Attorney General certifies that the investigation into their trafficking has been closed. For the second option, which we call “early adjustment,” we must first request this certification letter from DOJ before we can begin the adjustment application. I received the certification letter for Layla, so she is now eligible to apply for her green card.

PART V. CHALLENGES

1. Derivatives and Beneficiaries Not Wanting to Leave Other Family Members Behind

During the past month, I have encountered two situations on different cases where a derivative or beneficiary has decided that they are no longer ready to come to the United States. In one case, Layla applied for a derivative T visa for her mom. She



was able to apply for a parent derivative because she is under 21. I explained to Layla that if she wants her mom to be able to come to the U.S., we will have to wait until her mom gets here to apply for their green cards. If Layla were to apply for her green card while her mom's T visa application is still pending, the risk is that Layla's green card could be approved first, and in that case her mom could no longer be granted a T visa since Layla would no longer be in T Status. After we received the AG certification letter (see above), Layla called me to let me know that her mother does not want to come to the U.S. to live for now, because her mother (Layla's grandmother) is unwell and she doesn't want to leave her behind. Unfortunately, Layla cannot petition for her grandmother. Layla decided that she would like to move forward with her adjustment application, in the hope that she will soon be able to travel with advance parole to see her grandmother.

The other case involves consular processing for my client Lenny*'s wife, who has an approved family petition. I have met several times with Lenny and spoken with his joint sponsor, to fill out the forms and collect the documents for his wife's consular processing case. However, he recently told me that his wife has decided that she does not want to come to the U.S. unless their son can come with her. Unfortunately, it will likely take more than 7 years before the son is able to consular process, due to long waitlists, but Lenny is planning to begin the process of petitioning for his son.

2. Extremely Long Processing Time for Green Card Applications

A family of 5 clients applied for adjustment of status from their T Nonimmigrant Status to permanent resident status in May 2019 and are still waiting for the decision. Last semester, we received USCIS' requests for their medical examinations, which I submitted in February, but I have not heard from them since. I have submitted multiple inquiries to USCIS asking about these unusually long processing times but have received no response, so we decided to submit case assistance requests through the USCIS ombudsman. The ombudsman helps with relationships between individuals and USCIS. At the moment, the ombudsman' office has a set list of



circumstances under which they can provide assistance. One of those circumstances is when it is an emergency for the application to be processed, or the applicant is facing hardship due to the application not being processed. I spoke with two of the clients about what is causing them particular hardship and prepared the requests based on what they told me. I am waiting for them to sign and mail back the documents so that I can submit them to the ombudsman.

3. Limited Capacity

One challenge that we are constantly facing is our limited capacity to take on new cases. Unfortunately, there are many more people in need of free or low-cost immigration legal services than there are available service providers in the DC area. We must be careful not to take on too many new cases because we need to prioritize our current clients' needs and that we continue to provide high-quality services to them. We also want to have manageable caseloads so that we don't burn out and become unable to do this work. However, it is difficult to see how there are so many needs that are not being met. This has become even more apparent through my involvement with the Migrant Solidarity Mutual Aid Network, where we see dozens of people arriving each day who could benefit from free immigration services but we must explain to them that they should start looking for an attorney now because it might take them months to find someone. I am grateful to Equal Justice America for

“I AM GRATEFUL TO EQUAL JUSTICE AMERICA FOR CONTRIBUTING TO THE EXPANSION OF LEGAL SERVICES BY FUNDING FELLOWSHIPS SUCH AS MY OWN. I ALSO HOPE THAT THE GOVERNMENT INCREASES FUNDING FOR SUCH SERVICES AND MAKES IT A RIGHT TO BE REPRESENTED BY AN ATTORNEY FREE-OF-CHARGE IN IMMIGRATION PROCEEDINGS AND IN CIVIL CASES.”



contributing to the expansion of legal services by funding fellowships such as such as my own. I also hope that the government increases funding for such services and and makes it a right to be represented by an attorney free-of-charge in immigration proceedings and in civil cases.

PART VI. GOALS FOR SEPT. 2021- FEB. 2022

1. Finalize or Advance Current Cases

- File T visa application which is almost ready, and work with client to prepare other T visa application
- Submit U certification requests
- Further prepare asylum cases: conduct legal research, start drafting briefs, work with country conditions expert, file written pleadings and motion to set individual hearing, participate in preparation for the January hearing

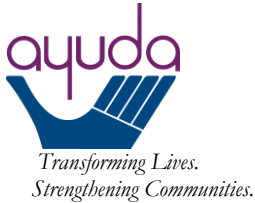
2. Take on More New Cases

- Prepare and submit DACA renewal application
- Conduct consultations and provide brief and medium-length services, such as green card renewals and naturalization applications
- If possible, expand services to French speakers

3. Continue Work with Migrant Solidarity Mutual Aid Network

- Provide in-person BAC to migrants who arrived on buses once or twice per month
- Coordinate training for volunteers about Canadian asylum/immigration law
- Work with other attorneys in the network to develop and deliver trainings for volunteers and know-your-rights presentations

**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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August 31, 2022

Dan Ruben
Equal Justice America
Executive Director

Virginia Office
2701 Prosperity Avenue
STE 300
Fairfax, VA 22031
(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.

Maryland Office
8757 Georgia Ave
STE 800
Silver Spring, MD 20910
(240) 594-0600

Julia continues to be an outstanding addition to the Maryland Immigration Legal Team. She raises thoughtful and intriguing questions that challenge our team to improve our client representation. She works efficiently through her cases and enjoys taking on new cases that foster her growth as an immigration attorney. She persistently follows up with the appropriate agencies when cases are stalled or delayed so that her clients receive the justice they deserve.

www.ayuda.com

I want to highlight a particular case that Julia has been working on this past semester. She represents a large family of five in their applications for lawful permanent residency. The father, Richard*, was the victim of human trafficking and applied for a T visa. His wife and three kids were included in the petition. The family received their T visas and were then able to apply for permanent residency. While the petitions were pending, Julia received a letter from U.S. Citizenship and Immigration Services (USICS) requesting that the clients each submit medical evaluations, which is a standard part of the residency application process. Julia met with the clients and explained how and where to obtain the medical exams. She reviewed the medical exams and followed up with the clients regarding missing information. She then submitted the medical exams in February 2022. Usually, after medical results are submitted, a decision on the application is reached a few weeks later. However, after not receiving a decision by May, Julia reached out to the USCIS Vermont Service Center (VSC), the office in charge of processing the applications. After still receiving no response from the VSC, she sent another inquiry in July, and has yet to receive a response. The clients are anxious to receive their residency so the son can apply for college and scholarships, and so the parents can find stable jobs. Richard had a kidney transplant and

requires medications which are expensive. Additionally, the family has been denied food stamps for not having their permanent residency. Julia not only drafted one declaration, but two declarations from the family explaining the hardship they are going through. She is preparing an Ombudsman request to elevate the delay within USCIS. It would be understandable for an attorney to tell their clients that unfortunately, sometimes cases are delayed, and they just have to wait. But Julia has persistently followed up on behalf of these clients and done everything possible to receive a timely decision.

Additionally, Julia has been diligently preparing four asylum cases for four different clients. I have been very impressed by the time and effort she has been putting in to developing strong personal declarations from her clients. In one case, she was able to build trust and rapport with a client so that she felt comfortable enough sharing details about the domestic violence she survived in her home country. In another case, she represents a young man who uses a wheelchair and suffered persecution on account of his age, disability, political opinion, family member's gang affiliations, and indigenous ethnicity. Julia is constantly improving and updating this declaration, which is now a 16-page document that breaks down each of the ways the client was harmed and persecuted. In a couple of these asylum cases, Julia has also been able to secure medical and psychological evaluations through Physicians for Human Rights, which will corroborate her client's claims of abuse.

Not only has Julia been able to advocate zealously on behalf of her clients, but she has also spearheaded Ayuda's legal efforts to assist migrants arriving on busses from the border. On several occasions, Julia has met the buses early in the morning and provided brief advise and consults to newly arrived migrants. She has also gone to a homeless shelter where many of the migrants are staying to provide consultations. The consults consist of going over the documents that the migrants received from ICE and advising them on what will happen at their next ICE appointment and what immigration legal remedies might be available for them in the U.S. Many of these migrants fled from Venezuela after suffering persecution and violence. After such a harrowing journey, they are relieved to speak with Julia and be informed on their rights.

I am excited to see what this next semester has in store for Julia. We are incredibly grateful to have her on the team and for the generous sponsors and donors of Equal Justice America for making Julia's fellowship possible.

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