

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



**AYUDA**  
**WASHINGTON, DC**

**JULIA RIGAL**  
**EJA FELLOW**

**IMMIGRANTS' RIGHTS**  
**FELLOWSHIP**

**POST GRADUATE**  
**BI-ANNUAL REPORT**

**SEPTEMBER 2022**  
**- MARCH 2023**



## REFLECTIONS



Lately, I have thought about how much of an impact politics has on our work as nonprofit immigration lawyers. For the past year, many newly arrived migrants have been arriving in DC just days after entering the country, first on the buses sent by Republican governors to protest the end of Title 42 and “move the border to DC,” and then to join family members here. These events have created a great need in our area for services to people who just arrived and have no understanding of the immigration system, which is why we began doing legal orientations, first at the bus arrivals and then for people staying at the shelters. Now that many families are staying in the DC area, there is an increased need for full consultations and full representation, or at least pro se assistance with filing asylum applications before the one-year filing deadline.

Unfortunately, nonprofits in the DC area are mostly at capacity, so it is impossible for everyone arriving to find an immigration attorney to represent them in their asylum case or removal proceedings in immigration court free of charge.

Due to limited capacity, we have to find a balance between providing limited assistance to a greater number of people and fully representing fewer people. Over the past six months, I have been working on finding that balance in my own work.

One solution has been to help coordinate a pro se asylum clinic, through which newly arrived asylum seekers can receive assistance to file for asylum without legal representation, allowing them to meet their filing deadline and, five months after they file, to apply for a work permit. Hopefully, the work permit will lead to greater financial stability and ability to hire an immigration lawyer, if they have not been able to get pro bono representation by then. Another initiative that I have worked on for the past two months has been to file parole-based work permit applications for



## BI-ANNUAL IMMIGRANTS' RIGHTS FELLOWSHIP REPORT WASHINGTON, DC

newly arrived migrants who were granted a one-year parole at the border. They should be able to receive their parole-based work permits faster than the asylum application-based work permit, since they don't have to first file and asylum and wait for five months before applying. I also have continued to work on my full representation cases and to take on a limited number of new cases for full representation.

*"UNFORTUNATELY, NONPROFITS IN THE DC AREA ARE MOSTLY AT CAPACITY, SO IT IS IMPOSSIBLE FOR EVERYONE ARRIVING TO FIND AN IMMIGRATION ATTORNEY TO REPRESENT THEM IN THEIR ASYLUM CASE OR REMOVAL PROCEEDINGS IN IMMIGRATION COURT FREE OF CHARGE."*

All of the asylum seekers who are entering the US through an official port of entry with a one-year parole are being placed in removal proceedings, which means they will have to defend their case before an immigration judge and will get deported if they lose.

Unfortunately, there is no right to a free attorney in immigration proceedings, even though the consequences of losing a case and being deported could be as severe as death. Some cities, such as New York City, have funded initiatives to provide a publicly funded attorney to anyone who is in removal proceedings. A similar initiative is greatly needed in the DC area, to ensure that the many arriving asylum seekers are guaranteed due process in their immigration proceedings.

I recently attended the DC premiere of *Seeking Asylum*, a feature documentary which I highly recommend to anyone interested in learning more about the asylum process and how politics affect the lives and safety of asylum seekers.



## INITIATIVES

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

- Acting as co-chair in a difficult asylum hearing and filing the notice of appeal to the Board of Immigration Appeals
- Filing two lengthy T visa applications with multiple derivatives
- Expanding services to newly arrived migrants, including by helping to coordinate a pro se asylum clinic and filing parole-based work permit applications
- Supervising and working with interns, and helping to recruit interns as a member of the internship committee

## CLIENTS SERVED

### Completed Services

Over the past six months, I served a total of 67 clients in immigration matters. I logged 17 legal orientations and also provided group talks and know your rights presentations.

#### **Defensive Representation of Clients in Removal Proceeding**

- Asylum Merits Hearing: Helped to prepare asylum case for individual hearing. Prepared lengthy witness affidavit. Participated in trial preparation with the client, conducted research in preparation for the hearing. Acted as co-chair during the hearing and conducted direct examination of expert witness.

*"OVER THE PAST SIX MONTHS, I SERVED A TOTAL OF 67 CLIENTS IN IMMIGRATION MATTERS. I LOGGED 17 LEGAL ORIENTATIONS AND ALSO PROVIDED GROUP TALKS AND KNOW YOUR RIGHTS PRESENTATIONS."*



- Notice of Appeal: Drafted and filed notice of appeal to Board of Immigration Appeals. Analyzed immigration judge's decision denying all claims for relief and identified legal and factual errors.
- Written Pleadings: Filed written pleadings in defensive asylum case.

## **2 Applications for T Nonimmigrant Status**

- Follow-up on Derivative Application: Following approval of expedite request in March 2022, followed up with the immigration agency several times about the status of derivative T visa application, submitted a request for congressional support, and prepared an ombudsman request. Once Request for Evidence (RFE) was received, responded to the RFE, and the derivative application was granted.
- Longstanding T Visa Application Filed: Filed T visa application for client and four derivatives that I have been working on since the beginning of my fellowship. I also represented my client an interview with Homeland Security Investigations (HSI) who are investigating her trafficking, and I prepared and submitted a request for continued presence to HSI. Coordinated biometrics appointment for derivative abroad. Filed request for expedited processing which is pending.
- New T Visa Application Filed on Short Timeline: With the help of Paralegal Giancarla Cazzol, I filed a T visa for a client and five derivative family members days before his twenty-first birthday, so that he could include his parents and siblings in his application. We began the application in December and had to file by the end of February, so we had to assemble the application quickly. Submitted FBI background check and FOIAs for the client. Prepared declaration with client, coordinated medical evaluation, prepared forms and addenda and assembled application. Giancarla worked with the client to prepare the derivative applications.



## **2 Naturalization Applications**

- Naturalization Interview: I represented a client at her naturalization interview. Conducted a practice interview with the client and prepared her to answer questions. Attended the interview and provided advocacy regarding criminal history. Naturalization was approved!
- Naturalization Application with Disability Exemption: Filed a naturalization application for a client who is not able to do the civics or writing exam. We included a form from the doctor explaining the client's disability.

## **1 Family-Based Petition**

- Submitted I-130 Petition for permanent resident client's adult son.
- Advised client and his son about the process and current processing times.

## **Services for Newly Arrived Migrants**

- Continued conducting legal orientations for newly arrived migrants, including people bused to DC, family members who joined them, and others who have recently arrived.
- Trained other Ayuda attorneys to conduct legal orientations.
- Began providing full consultations for newly arrived people who were bused to DC. So far, I conducted 3 full consultations and placed an asylum case for a family of 7 with a firm for pro bono representation.
- Helped coordinate new pro se asylum clinic in collaboration with the Migrant Solidarity Mutual Aid Network. First two clinics took place on 12/10/22 and 01/28/23, and the next will be on 03/04/23.
- Initiated and coordinated project to file parole-based work permit applications for newly arrived migrants who were granted a one-year parole at the border. In January-February 2023, we filed a total of **38 parole-based work permit applications**. I filed 16 applications.



## **Brief Services**

- 2 DACA renewals which were granted
- 2 I-131 applications for advance parole
- 2 I290B Motions to Reopen and Reconsider for clients whose work permit applications were denied
- 1 initial C8 work permit application (for a child who is an asylum seekers)
- 1 C11 parole-based work permit application (in addition to the 16 applications filed as part of the C11 EAD project for newly arrived migrants detailed above)

## **Consultations**

- Conducted 6 full consultations with service seekers, including 3 for newly arrived individuals, where I assessed their eligibility for various immigration benefits, including asylum, T and U Nonimmigrant Status, VAWA, Special Immigrant Juvenile Status, and naturalization. Conducted extensive research and follow-up to fully advise clients about their options.
- Conducted 1 work short consultation to determine eligibility for work permit renewal following closure of removal proceedings.
- Participated in 2 pro bono clinics as an Ayuda mentor, providing guidance to pro bono attorneys while they conduct immigration consultations and give advice to participants on their legal options.

## **In Progress**

### **3 Applications for T Adjustment of Status**

- Met with clients to go over required documents for the application; waiting for them to gather all the documents
- Filling out forms and addenda and assembling applications



## **2 Asylum Cases**

- Finished developing asylum declarations for each application
- Updating/gathering witness declarations to support case
- Working with country conditions expert who will provide a country conditions report for one case
- Brainstorming legal theory of each case; need to begin drafting briefs during the next semester

## **1 BIA Appeal**

- Representing one client in her appeal of the immigration judge's decision denying her asylum claim to the Board of Immigration Appeals
- Drafted and filed Notice of Appeal identifying legal and factual errors committed by the immigration judge in his decision
- Conducting legal research and working with intern Gabe Rody-Ramazani to develop legal arguments for BIA appeal brief

## **Parole-Based Work Permits Project**

- Continuing to coordinate parole-based work permits project for newly arrived migrants who were granted parole at the border
- Going to train a new paralegal to help coordinate the project and prepare applications

# **SUCCESSSES**

## **1. Long-Pending Green Cards Granted for Family of 5**

Since I arrived at Ayuda, I had been representing a family of 5 in their pending adjustment of status applications. I received the Requests for Evidence for their medical examinations and submitted them to USCIS. However, the applications





were still pending many months after we submitted the medical exams, despite many inquiries I submitted to USCIS. The clients were eager to get their green cards. Not having their green cards was preventing the parents from getting more stable jobs and the oldest child from continuing university, because he was not eligible for grants without a green card and could not afford tuition. Additionally, the principal client, who previously received a T visa, was eager to travel back to his country of origin to visit his family and the graves of his parents, because he had not been able to return since arriving in the US more than 10 years ago. I worked with the clients to prepare requests for expedited processing and ombudsman assistance. Just as we were getting ready to submit the ombudsman request, the green cards were approved at the very beginning of September 2022! When I met with the clients to go over the closing letters, they let me know that they were planning a trip back to their home country this summer all together which made me so happy for them.

## **2. First Naturalization Case Granted**

In June 2022, I filed my first naturalization applications for Liliana\* and her son Jeremy\*. Liliana received her interview notice in December. In January, I met with Liliana to do a practice interview, with a practice English and civics test. Liliana did very well, and I coached her on a few things to make sure she was ready for her interview, such as explaining that she had been in removal proceedings and that she would likely need to explain to the interviewer what happened in a criminal case where she was found not guilty by the jury. I accompanied Liliana to the interview, and she did an excellent job answering all questions asked. She got all 10 civics questions right without hesitation, and she was prepared to explain the details of the criminal case. Liliana's naturalization was approved, and she recently attended her oath ceremony! Liliana sent me a photo from the ceremony saying, "Thank you for your help to make this dream a reality." I could not be happier for her as she has worked so hard towards this goal of becoming a citizen. We are now working on



applying for a Certificate of Citizenship for Liliana's 17-year-old daughter who has acquired citizenship through her mom.

*"LILIANA'S NATURALIZATION WAS APPROVED, AND SHE RECENTLY ATTENDED HER OATH CEREMONY! LILIANA SENT ME A PHOTO FROM THE CEREMONY SAYING, "THANK YOU FOR YOUR HELP TO MAKE THIS DREAM A REALITY."*

### **3. Derivative T Visa Granted After Multiple Follow-Ups**

The very first application I filed at the beginning of my fellowship with Ayuda was a I914A application for derivative T Nonimmigrant Status for a client whose spouse, also our client, had an approved T visa. This application had been mostly prepared before I started at Ayuda, so I reviewed the application with the clients and submitted it in September 2021. In March 2022, I submitted a request for expedited processing which was granted, based on the clients' advanced age, medical issues, and severe financial and emotional hardship which made it urgent for the derivative T visa and associated work permit to be granted as soon as possible. Many months later, the derivative T visa had still not been approved. Over the course of several months, I submitted multiple inquiries to USCIS, requests for congressional assistance, and an ombudsman request. Finally, USCIS sent us the Request for Evidence (RFE) which they had issued in March 2022 and we had never received. I responded to the RFE and the T visa and work permit were approved soon after. My client was very excited to receive his work permit. Furthermore, his T Nonimmigrant Status will allow him to receive medical insurance so that he can afford his life-saving medication and an operation that he needs to have. I am now working with both clients on their adjustment of status applications.



#### **4. U Visa Certification Granted**

As explained in my last bi-annual report, I submitted 2 requests for U visa certification to the police for a minor client. The police quickly signed and sent back one of the U visa certifications, however a couple of parts were left blank. I followed up multiple times asking them to sign a completed certification. After many follow-ups, the police agreed and the client's mom was able to pick up the signed and completed U certification.

#### **5. Work Permit DACA, and Green Card Renewals**

- 3 work permits approved, including one initial asylum application-based work permit and one combined work permit with advance parole.
- 1 I90 Application to Replace Permanent Resident Card granted.
- 2 DACA renewals granted.

## **CHALLENGES**

### **1. Difficult Removal Proceedings**

As explained above, I have spent a lot of time throughout the last six months helping to prepare for a client's asylum hearing before the immigration court. During that time, we found out based on the experiences of other attorneys that our client's immigration judge was very difficult and denies most cases. Given the difficulties of our case, we realized that it would be very difficult to win at the asylum hearing, so we focused on building a very strong record and preparing the client so that we would be ready to appeal the case in case of a denial. The hearing lasted all day, and it was a grueling experience for the client and for us. After the hearing, I spoke with my client as she waited for her taxi about the work she does and how she likes a job that she has. I thought about how hard she had worked to rebuild her life after surviving extremely traumatic events and fleeing to the United States for a better



and safer life. It made me sad to think that someone who has been here for several years and has built a life in the United States could get deported if their assigned immigration judge decides to deny their case, and they may not have any other options.

## **2. Lack of Immigration Options**

Unfortunately, immigration benefits are very limited, and some people may not have any viable options to obtain lawful immigration status in the United States, even if they are already living and working here. When doing legal orientations, I often explain to people that if they are a victim of human trafficking or another crime in the United States, they should consult with an immigration attorney to see if they could qualify for a T or a U visa. While I am glad that these options exist for people who are victims of crimes, I find it so sad that for some people, their best “hope” of becoming eligible for an immigration status would be to be a victim of a severe crime, due to the lack of other options. I spoke with one young couple with a two-year-old who asked me, “What if we haven’t been persecuted but are coming to seek a better future for our children, is there a status we can apply for based on coming for a better life for our children?” I felt so sad to have to tell them that no there is not a status you can apply for because you are seeking a better future for your family in the United States. It seems contradictory with the “American Dream” that it should be so difficult for young people who arrive eager to work and make a better life for themselves may not have any options to ever long-term lawful immigration status, unless they are able to win an asylum case. In France where I’m from, it is possible for people who have been living in France and paying taxes for more than ten years to apply for the equivalent of permanent resident status, even if they did not have lawful immigration status until then. The French immigration system is in no way perfect, but I do wish there was some kind of general option like this in the US for people who work hard and build a life for themselves here over a long period of time to become permanent residents.



### 3. Lack of Access to Employment Authorization Due to Government Fees

As explained above, over the past couple of months I have coordinated an initiative to file parole-based employment authorization document (EAD) applications for recently arrived migrants who were granted a one-year parole at the border. Unfortunately, there is a \$410 government filing fee for EADs, and there is no exception for parole-based EADs, even for people who were just paroled into the country. Until the end of February, we were able to use funding from Hispanic Federation to cover the government fees. However, we do not have funding to continue paying for these expensive fees indefinitely.

The government filing fee limits access to employment authorization for people who desperately need it. Many people who just arrived do not have \$410 to pay the filing fee. As one couple explained to me, it's a chicken-and-egg situation where they

need to pay the fee to get a work permit so they can work, but they need to work to earn money to pay the filing fee. There is a possibility of applying for a fee waiver for people

*"MANY PEOPLE WHO JUST ARRIVED DO NOT HAVE \$410 TO PAY THE FILING FEE. AS ONE COUPLE EXPLAINED TO ME, IT'S A CHICKEN-AND-EGG SITUATION WHERE THEY NEED TO PAY THE FEE TO GET A WORK PERMIT SO THEY CAN WORK, BUT THEY NEED TO WORK TO EARN MONEY TO PAY THE FILING FEE."*

who are eligible. However, applications which include a request for a fee waiver cannot be filed online. Parole-based EADs can be filed online (if filed with the fee), and online applications go a lot faster than paper filing (by several months or even over a year).

Given that the parole is only granted for one year, it makes a big difference if someone can receive their EAD several months earlier. Furthermore, it is hard for people who just arrived to prove their eligibility for a fee waiver, because they do



not have any tax returns yet or proof of income or lack of income.

Therefore, while arriving noncitizens who enter at the border through a port of entry are being granted a one-year parole and are therefore eligible for work authorization, many of them are unable to apply for it. This creates an illogical situation, because the government would surely recoup more in taxes if everyone were easily allowed to work legally for the duration of their parole than it does from these prohibitive filing fees.

Furthermore, receiving this first EAD is an essential step as it allows people to achieve more financial stability and to earn money to hire an immigration lawyer. It also protects them from the extensive labor abuse that happens to undocumented workers who are often exploited and underpaid and have little to no legal recourse.

## **GOALS FOR MARCH – AUGUST 2023**

I am looking forward to further growing as an immigration attorney during the last quarter of my fellowship by taking on a variety of new types of cases, such as:

- **Mentoring a pro bono asylum case**

*This will be my first experience being a mentor on a pro bono case.*

- **Special Immigration Juvenile Status**

*I have provided consultations or brief advice for several young Venezuelans who may soon be eligible to begin the process of seeking a predicate order in Maryland state court in order to apply for SIJS. I hope that I can take at least one of them on, and I am also interested in collaborating with another organization who would do the state court portion of the case.*

- **U visa-related applications**

- o Mandamus for pending U visa applications: *I am planning on filing a mandamus*



*action in federal court for two clients whose U visa applications have been pending since 2020, to request a bona fide determination which would allow them to receive their work permits.*

- o *U visa derivative application: One of my clients who has a pending U visa application recently got married so I am going to prepare the derivative application for her husband*
- o *Potential U visa application: I recently conducted a complex consultation for a client who is eligible for a U visa. She may also be eligible for a T visa, so depending on what she decides I may represent her in either a U visa or T visa application (or both).*

- **VAWA**

*I recently filed a T visa application for a client who is also eligible for a VAWA one-step petition. We filed the T visa application first so that he could include his parents and siblings on the application, but he would also like to file the VAWA one-step.*

- **N600, Certificate of Citizenship Application**

*One of my clients recently naturalized. Her daughter, who is 17, acquired citizenship through her. They would like to apply for a Certificate of Citizenship.*

- **ICE Accompaniment and Parole Renewal Request**

*One of my clients was granted a one-year parole when he arrived in March 2022. I am going to accompany him to ICE to request that his parole be extended, so that he remains eligible for a parole-based work permit and does not become “unlawfully present.”*

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



Kelly P. Hii, Esq.

Admitted to the Bar of Maryland. Practice outside of Maryland limited to Immigration and Nationality law.

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February 28, 2023

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 provide excellent legal representation to her clients at Ayuda. In the past six months, some of her accomplishments include winning citizenship for a client, assisting in an asylum hearing, filing an appeal with the Board of Immigration Appeals (BIA), and spearheading Ayuda's efforts to submit 35 work authorization applications for migrants arriving to DC on the busses from the border.

[www.ayuda.com](http://www.ayuda.com)

Earlier this year, Julia represented a client in her application for citizenship, which included filing the client's N-400 and supporting documents and accompanying the client to her citizenship interview. Prior to the interview, Julia met with the client to prepare her for what types of questions would be asked and how to answer them. She also reviewed the English reading, writing, and civics questions and made sure the client was confident and prepared. On the day of the interview, the client passed with flying colors, getting all ten civics correct. The client was overjoyed and now has many new doors opened to her as a citizen of the U.S.

Julia also assisted as second chair in an asylum hearing at the Hyattsville Immigration court. Julia was instrumental in gathering witness statements and other evidence and researching key legal questions in preparation for the hearing. On the day of the trial, Julia conducted the direct examination of the expert country conditions witness. Although the client's claim was ultimately denied, Julia and the lead counsel built a solid record that Julia was able to use to file a thorough Notice of Appeal with the BIA. Julia honed her research and writing skills to counter each point in the Immigration Judge's denial decision.



Not only has Julia been excelling in her individual casework, but she has spearheaded Ayuda's legal efforts to assist migrants coming from the border to D.C. on busses. Julia created a system to assess migrants' eligibility for work authorization, assigned volunteers to gather client information for the applications, and forwarded the information to attorneys who filed the applications on behalf of the clients. Ayuda was able to file 35 work permit applications in just one month, and Julia filed close to half of them herself. Having a work permit will be a significant benefit to these migrants, who are currently living in homeless shelters, many without family or other support in the D.C. area.

We are incredibly grateful to have Julia on our 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](mailto:Kelly.hii@ayuda.com).

Sincerely,

A handwritten signature in cursive script that reads "Kelly Hii".

Kelly Hii