



EQUAL JUSTICE AMERICA
LEGAL SERVICES FELLOWSHIPS

Post-Graduate Immigration Fellowship: Chicago, IL

April 2018



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Lauren Dana EJA Fellow's Journal

Many of my cases have related family law issues, including order of protection, divorce, and parental responsibility allocation. The underlying facts that lead many of my clients to obtain orders of protection are sometimes the same facts that form the basis of immigration relief, such as an abusive spouse. Over the last quarter I have developed my understanding of family law issues and how they intersect with my clients' immigration cases.

What I love about working at LAF is the exposure to attorneys with expertise in several practice areas: immigration, employment, family, public benefits, housing, and consumer law . . . I am better at spotting my clients' legal issues, taking them into account when handling the immigration case, and providing truly client-centered representation.

What I love about working at LAF is the exposure to attorneys with expertise in several practice areas: immigration, employment, family, public benefits, housing, and consumer law. Here, I complement honing my skills as an immigration advocate with gaining an overall understanding of the legal issues facing my clients. Not only do I get this holistic perspective, I get to put it into practice by collaborating with attorneys in other practice groups. As I develop these skills, I am better at spotting my clients' legal issues, taking them into account when handling the immigration case, and providing truly client-centered representation.



Summary and Achievements:

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

With new intakes and case assignments, my caseload has increased steadily. This quarter I continued to work primarily on U visa, T visa, and VAWA applications. I also dedicated significant time to the cases I filed, described below, facing tight deadlines for each.

I filed one T visa application with three derivative family member on behalf of my client who was coerced into sex trafficking as a minor. Since filing, I have been working to connect the client and her family with the benefits and support that they are eligible for as T visa applicants, and as a victim/survivor of human trafficking. A new Illinois law allows applicants to receive certain benefits while their case is pending. The waiting period while an application is pending can be very difficult for our clients who have such limited resources. They do not have authorization to work, making their access to benefits critically important.

I filed two I-751 petitions to remove conditions on conditional residence (a two-year initial card) on behalf of clients who have been subject to domestic violence by their US citizen spouse. This petition allows such clients to move forward in the process of establishing permanent residency individually, and prevents the involvement of the abusive spouse. For these cases I worked extensively with each client to prepare their complex and highly detailed affidavit, which had to detail both the marriage and the abuse, on a tight deadline as they both faced expiration of their conditional resident status.

I filed one U visa application with two derivative family members on behalf of a client who is the indirect victim of sexual assault. The assault was committed by her brother against her minor daughter. Again, I worked extensively with the client through the emotional process of writing her affidavit that described the abuse, her cooperation with law enforcement, and the substantial harm she had suffered.

I am working on 16 U visa, 6 VAWA, and 2 Adjustment of Status to Permanent Residency applications that are each at various stages in the process between case acceptance and filing. Of these cases, five U visa applications (including three derivatives) and one VAWA petition are in the final stages before



filing. For other cases, I am preparing certification requests, meeting with clients, requesting records, gathering documents, and drafting affidavits. Two of my clients are eligible to apply for permanent residency simultaneously with their VAWA petition, so I am also working their adjustment of status applications.

I am also working on 3 U visa certification cases, the initial process for seeking the U visa. For two of these cases, we agreed to provide limited representation because they have facts that make it difficult to predict whether the certification will be signed or not. I will first request the certification from the law enforcement agency, then consider the case for full representation if the law enforcement agency certifies. The third of these cases was accepted for full representation and assigned to a pro bono attorney. I will work on the certification, and then **I will oversee a pro bono attorney who will prepare the U visa application.** I look forward to this opportunity to engage with pro bono providers.

U Visa Certifications

I requested five U visa certifications this quarter from law enforcement agencies, including the Chicago Police Department, the Cook County State's Attorney's Office, the Circuit Court of Cook County, and the Chicago Commission on Human Relations. Of those certifications I requested, **two have been signed and three are currently pending.**

Employment Discrimination Complaint

I filed a reply to opposing counsel's response in the employment discrimination case filed with the City of Chicago Commission on Human Relations on behalf of my client who was subjected to pervasive sexual harassment and sexual orientation discrimination at work. This was a new challenge in my work, which involves both an employment and an immigration issue. The reply addressed the affirmative defenses raised by opposing counsel. Now the City Investigator assigned to our case is considering the pleadings, and will begin investigating our claims. As part of the investigation, the Investigator will interview my client and witnesses.

I requested a U visa certification from the City of Chicago Commission on Human Relations for this same client. The sexual harassment he was subjected to at work that we allege in the employment discrimination complaint is also the basis of my U visa certification request. I will work with my client to provide a list of witnesses for the Commission to contact, and to prepare for an interview with the Investigator.



Modern-Day American Worker Conference

I am helping to coordinate LAF's Third Annual Modern-Day American Worker Conference that will take place on May 10th and 11th. This year's conference, entitled *Over, Under, Through: Women Rising for Justice at Work*, will focus 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. I contribute to general planning and coordination, and have been working on promotion and registration for the conference.

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 meet with clients when we first accept their case, to work on their declaration, and to sign and review their application documents. 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. As I near final stages of preparing several U visa and VAWA cases, I am completing immigration forms, drafting affidavits with clients, and translating affidavits that clients have drafted in Spanish.



Client Stories

Ana

Ana has three children, including her 19-year-old daughter, Jennifer, a U.S. citizen. Ana believed that her family was safe and living a healthy life. However, one day she learned that Jennifer had been sexually assaulted for several years as a child by her uncle, Ana's brother. Ana was afraid of calling the police, however she was prepared to do everything she could for her daughter. Ana reported the crime to the police, made arrangements for her family members to provide statements as well, and fully cooperated with the resulting investigation.

Since learning about the sexual abuse, Ana has been a pillar of strength and support for her family as they rebuild their lives. She ensures that she and her children receive therapy services to deal with the trauma they have endured, and addresses each of their collateral needs. Based on this crime and her cooperation with the police, I filed a U visa application on Ana's behalf. With my assistance, Ana is on a path toward a more stable life in which she can remain united with her family, and they can continue to move forward together.

Claire

Claire came to LAF with her conditional residency about to expire, threatening her ability to work and her ability to remain independent and safe from her abuser With my assistance, Claire's current status is now extended and the future of her status is out of the hands of the abuser.

When Claire met her husband, she felt she had found her life partner. After a long-distance relationship, the couple decided that Claire would leave her family in Mexico to be with him here in the United States. He assured Claire that he would provide for her and they began their life together. However, her spouse became abusive and subjected her to mental and physical abuse, and they eventually separated. Claire came to LAF with her conditional residency about to expire, threatening her ability to work and her ability to remain independent and safe from her abuser. I filed an I-751 petition on her behalf to remove the conditions on her residency and a request that she be allowed to continue with the process individually. With my assistance, Claire's current status is now extended and the future of her status is out of the hands of the abuser.



Success Stories

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

As outlined above, this quarter I have:

- Filed one T visa application with three derivatives;
- Filed two I-751 petitions;
- Filed one U visa application with two derivatives;
- Filed one reply in the employment discrimination case with the City of Chicago Commission on Human Relations; and
- Obtained two signed U visa certifications.
- Helped to coordinate a conference on seeking justice for women workers, including immigrant women.

Goals for April – June 2018

My overall goal in this fellowship is to prepare quality applications efficiently – avoiding delays later on if USCIS were to request further evidence, and submitting applications within four months from when we accept the case.

In the next three months, my goal is to file the following applications:

- Five U visa applications (including three derivative applications)
- Ten U visa certification requests
- One VAWA petition

Next quarter I will continue working on the Modern-Day American Worker Conference that will take place in May 2018.

Finally, next quarter we will have legal interns join our practice group for the summer. My goal is to develop my mentorship and teaching skills by working on cases with students.



Supervision and Support

Lauren has done outstanding work during this last quarter. She has increased her caseload and the complexity of her cases significantly. No two cases are alike and she has worked through a number of difficult issues as she has prepared and filed a number of cases. In some cases, the client's story is very complex and demands a significant amount of time fleshing out a lengthy affidavit; in other cases, Lauren is representing a large family, which requires 4-5 applications for each individual. Additionally, Lauren was dealing with a family who was being evicted but also had a hard deadline to file their case. All of these factors require strong organizational skills, determination and commitment. Lauren has all three!

In addition to her deadlines, Lauren also receives significant intake, which requires lengthy phone or in-person interviews for potential clients. We have discussed case management issues given this fast-paced, high-volume caseload, and talked about setting intake interviews out a bit further, so Lauren has time to breathe. We think this will help. We are also hiring new staff.

I have been working closely with Lauren on the Modern-Day American Worker Conference, coming up on May 10-11. Lauren has been very involved and extremely helpful in the planning. She is timely, thoughtful and committed to us having a great conference.

We remain so fortunate to have Lauren on staff. She is an absolute pleasure to work with and is a seminal part of our growing team.

–Lisa Palumbo, Director (312) 347-8374