



EQUAL JUSTICE AMERICA
LEGAL SERVICES FELLOWSHIPS

Post-Graduate Immigration Fellowship: Chicago, IL

April 2019



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Lauren Dana EJA Fellow's Journal

I have received excellent mentorship and training in settlement negotiation that has empowered me to advocate for the best possible outcome for my clients. The experience has given me a platform to think on my feet, hone my negotiation skills, learn about industry standards, and gain insight into the particular issues that arise when representing an undocumented client. I feel personally driven and

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inspired by my clients, who endured years of sexual harassment at work in order to support themselves and their families, and who each day have to face their fears of deportation and separation from their loved ones. Professionally, I feel fortunate to learn from my colleagues at LAF as we advocate for survivors of sexual harassment and to keep immigrant families safely together.



Summary and Achievements:

This quarter I focused primarily on five U visas I filed and on preparing several U visa, VAWA, and Adjustment of Status applications that I will file soon. I also prepared responses to Requests for Evidence and fee waiver denials, and worked extensively on settlement negotiations in an employment discrimination case.

U visa and VAWA Cases

I filed 5 U visa applications. I filed these applications on behalf of clients who endured pervasive sexual harassment at work, an assault at gunpoint, and years of domestic violence. I worked extensively with each client to gather the necessary documents, detail the abuses they suffered in their affidavit, and complete the immigration forms for their applications. To ensure that each application was filed before the required U visa certifications expired, I managed several cases in their final and most time-consuming stages simultaneously.

I am also working on 23 U visa, 6 VAWA, and 4 Adjustment of Status to Permanent Residency applications that are each at various stages in the process between case acceptance and filing. For these cases, I am preparing certification requests, meeting with clients, requesting records, gathering documents, completing immigration forms, and drafting affidavits. Again, I worked extensively with clients through the emotional process of writing their affidavit that described the qualifying crimes, their cooperation with law enforcement, and the substantial harm they suffered.

Replacement of Permanent Resident Card

I filed an I-90 application to replace a client's Permanent Resident Card. This client currently has conditional resident status after her U.S. citizen spouse petitioned for her residency. She has since separated from her spouse due to domestic violence. Although her residency application was approved, she never received her Permanent Resident Card (often referred to as "green card"), which USCIS requires her to have at all times and which she needs for work and travel.

My client had already filed twice for a replacement of her immigration document without success. With my assistance, we filed again and the client should soon have the document she needs as proof of her status for work and travel. When it comes



time to file her I-751 petition to remove conditions on residency, she will be able to move forward with the process of establishing permanent residency individually, without involvement of the abusive spouse. I counseled the client on how she will be able to maintain her status, empowering her to plan for her future as she rebuilds her life after fleeing her abuser.

U Visa Certifications

I requested 5 new U visa certifications this quarter from various law enforcement agencies, including the Waukegan Police Department, the Chicago Police Department, and the Cook County State's Attorney's Office. Of the certifications I requested this quarter and those still pending from last quarter, **8 U visa certifications** were signed by law enforcement and one is still pending.

Success Story:

One of the signed U visa certifications I received this quarter came after seven months of persistent advocacy. After submitting my initial request, I heard no response from the law enforcement agency and could not reach anyone at the agency to inquire about my request. I resubmitted my request, followed up on the failure to respond with numerous calls and voicemails, and only about four times over the course of several months did I connect with an agent. I still received no response. After the enactment of the VOICES Act, I tried to connect with the agency again, and finally had success. I spoke with an agent, resubmitted my request, and a couple weeks later received a signed U visa certification. Thanks to this advocacy, the client now has an option for immigration relief that we will help her pursue.

Responses to Requests for Evidence

I received a Request for Evidence (RFE) from USCIS on an I-751 petition to remove conditions on conditional residence I previously filed. I have worked with the client to gather additional evidence, and am preparing a memo arguing that the documents already submitted are sufficient to satisfy the requirements for an approved petition. The RFE has coincided with a separate legal matter in which LAF also represents the client. As a result, I have strategized extensively with the other LAF attorney to explain to the client how the two cases impact each other, and helped client preserve his legal claims and prioritize his goals.



Interpretation and Representation at Adjustment of Status Interviews

I assisted two clients with their Adjustment of Status interviews. As part of the application for lawful permanent residency, clients must attend an interview with a USCIS officer. The interviewing officer verifies the information contained in the application, and based on the application and the interview that officer decides whether to approve the application.

For the first client, I provided French interpretation to facilitate the interview between the officer, the client, and the client's LAF attorney. Not only did I have the opportunity to use my French language skills, but also to assist a client whose case I had worked on as a law student intern at LAF in 2016. That summer I conducted the initial intake and began preparing the client's VAWA petition. It was such a pleasure to provide assistance to the client again in this next stage of her immigration case, and hopefully thanks to LAF's assistance she will soon have lawful permanent resident status.

Success Story:

For the second client, I provided representation as her attorney at the interview, and another LAF attorney provided Spanish interpretation. While the client must answer the officer's questions on her own, her attorney serves as a safeguard to ensure that the interview follows the proper procedures. I monitored the interview for any issues that may have arisen with the officer that would require supervisory review, which I would have needed to request immediately. No such issues arose, and a few days later we received the approval notice stating that client and her derivative daughter are now lawful permanent residents – a monumental success after they survived domestic violence and sexual assault, and spent years navigating the immigration system for relief.

Settlement Negotiations in Employment Discrimination Claim

Success Story:

I previously filed an employment discrimination complaint with the Chicago Commission on Human Relations (CCHR) for a client who experienced sexual harassment and sexual orientation discrimination at work. We provided evidence of the discrimination in the complaint, our reply, and client's interview with the Investigator. After completing the investigation, the Investigator made a finding of substantial evidence. The finding, a determination that there was substantial evidence



of a violation of the Chicago Human Rights Ordinance based on our allegations, allows the case to proceed to an administrative hearing.

Soon after this initial success the hearing process began. I have represented the client in a pre-hearing conference, filed motions, prepared a discovery strategy, and worked with client to determine his goals as the case moves forward. Simultaneously, I have engaged in ongoing settlement negotiations with opposing counsel to see if we can resolve the matter ahead of the hearing. Whether the case settles or goes to hearing, with LAF's assistance the client has had access to justice and an opportunity to be heard.

Weekly Work

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

Client Stories

Phil

Phil, a Mexican national, came to the U.S. when he was 20 years old and has lived here now for over ten years. One night on his way home from work, Phil was attacked and mugged at gunpoint. The attackers threatened to kill him, physically assaulted him, and took his personal belongings. Phil reported what happened to the police and sought medical treatment for his injuries. In addition to his physical injuries, Phil also experienced significant anxiety, nightmares, and difficulty sleeping. I recently filed a U visa on Phil's behalf. With LAF's assistance, Phil is on the path to a more stable and safe life.



Annie

Annie is a Mexican national and mother of three children. Annie and her husband have lived in the United States for nearly 20 years. They have raised their three children and built their life together here. One day, Annie learned from her daughter that their family member had sexually assaulted her on numerous occasions. She then learned that her other children had also been sexually assaulted by the same person. Annie reported these incidents to the police and cooperated with prosecutors in the criminal case against the family member. I will file a U visa on Annie's behalf, and file derivative U visas for her husband and oldest daughter. Annie and her family now receive counseling services to help them overcome the trauma they survived. With LAF's assistance, this family will be able to regain stability and remain safely together as they support each other through this recovery.

Katherine

Katherine, a Mexican national with three U.S. citizen children, has lived in the U.S. for nearly 20 years. Throughout her relationship with the father of her children, Katherine endured severe sexual, physical, verbal and emotional abuse. After a number of escalated incidents of sexual violence, Katherine came to LAF for legal assistance. An LAF family law attorney represented Katherine in her order of protection case, in which the judge granted her a Plenary Order of Protection to keep her and her children safe, and I will file a U visa on her behalf. With LAF's assistance, Katherine has immediate protection from her abuser, and will have long term stability to keep her safely together with her children.

Additional Success Stories

As I enter the last few months of my fellowship, my cases have progressed and enough time has passed that I have seen numerous concrete successes. I describe several above: receiving a signed U visa certification from an agency that previously failed to even respond to my requests; representing a client at her adjustment of status interview and receiving the subsequent approval of lawful permanent residence; and a finding of substantial evidence allowing a client's employment discrimination case to proceed to a hearing.



I received an approval for an Employment Authorization application. A client for whom I will file a U visa is eligible to work based on another pending application, but was not aware of her eligibility or how to apply for the work permit. With my assistance, she now has her Employment Authorization Document and can seek stable and safe employment to provide for herself and her children.

I have also received several fee waiver approvals in the last quarter. Despite a changing and unpredictable policy, as well as continued erroneous denials, I have successfully applied to waive the fees on multiple applications for my clients. As a result, the applications are complete, my clients do not have to pay fees that they cannot afford, and I have more time to dedicate to the rest of my caseload.

In addition to the successes I describe above, this quarter I have also successfully:

- Filed five U visa applications;
- Filed one I-90 application; and
- Obtained eight signed U visa certifications.

Goals for April – July 2019

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

- Three U visa applications
- Three U visa certification requests
- Two VAWA/Adjustment of Status petitions
- One RFE response for a petition to remove conditions on conditional residence
- One RFE response for an employment authorization application

I expect to continue with the settlement negotiations in one of my employment discrimination cases, which we may resolve next quarter. I also expect the investigation of another employment discrimination case to move forward, which would include an interview of my client by the Investigator and eventually a determination by the Investigator on whether there is substantial evidence for the case to proceed to an administrative hearing.



Supervision and Support

As Lauren's fellowship begins to wind down we are thrilled that she will continue on as staff attorney at our agency. Lauren has proven herself to be a collaborative, strategic, and fierce advocate for our clients. After we became short-staffed at the beginning of the year, she took on extra intakes to maintain the same level of

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service for our client communities. She takes lead in providing the team with up-to-date information on policy changes as a member of AILA and has helped with the onboarding of new staff. She has taken on more complex cases that will lead to immigration litigation, which will strengthen her written and oral advocacy skills. And she will continue to hone her negotiation skills as she finalizes her settlement negotiations for her employment cases. All in all, she has established a great foundation as a poverty law attorney.

–Nubia Willman, Supervisor 312-347-8324