



**EQUAL JUSTICE AMERICA**  
LEGAL SERVICES FELLOWSHIPS

# Post-Graduate Immigration Fellowship: Washington, DC

August 5, 2019



Kelly Hii  
EJA Fellow  
Staff Attorney, Ayuda



August 5, 2019

## Kelly Hii EJA Fellow's Journal

My friends and family members often ask me what I think of certain new changes to immigration practices and policies. It is interesting to compare the policies and practices that are highlighted in the news with those that most directly affect Ayuda's work and the lives of our clients. It is often true that the new immigration change portrayed most loudly in the news would not actually affect our clients, but has the effect of causing unnecessary fear. The policy changes that do not get much attention in the news are the ones that end up affecting our clients the most. For example,

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many of our clients would not be affected by the proposed policy that would prevent the immigration of those who would be a "public charge," because the policy does not apply to those seeking certain forms of humanitarian relief. However, many of our clients have stopped applying for much-needed public assistance out of fear of deportation. On the flip side, many small decisions, such as the changes in the definition of "Unaccompanied Alien Child," which took away the opportunity for many of our young clients to apply for asylum, has not received much public attention.

In the past month, I have had several clients express worry about whether they can travel out of the state and what they should do if they are stopped by immigration officials on the street or at their place of work. My concerned clients have a legal basis to remain and work in the United States and are not in the group of people targeted for deportation. But these fears are well-founded, considering news of



increased raids throughout the country. I did my best to make sure my clients are aware of their rights and know how to protect themselves in the worst-case scenario. My goal was to empower them with information about their own immigration status, their right to remain silent and to speak to an attorney, and their right to be able to travel in the United States and work. Armed with this information, one of my clients was able to travel out of state for his wife's college graduation. Another client was able to travel out of state for a school trip.

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It can be overwhelming to find out about yet another change to immigration law and policy that makes it harder for our clients to obtain legal immigration status. I am very grateful for those who devote themselves to the policy and advocacy side of this work, as well as those who are bringing class action suits or impact litigation cases to make more systemic changes to the immigration system. In the meantime, we will continue to represent each client as best as we can in this difficult season. The hope and gratitude of my clients motivates me daily to keep looking for creative arguments and new outlets. We have still seen many victories for our clients, even if small victories.



## Quarter Initiatives:

The focus of my work this quarter has been to gain experience working on a variety of cases and increase my confidence making case decisions and analyses independently.

## Client's Served:

### **Know Your Rights Advice (3)**

- In light of increased immigration raids across the country, clients have asked for advice on what to do if arrested or detained by immigration authorities. One client was particularly concerned because she knew of raids happening in her hometown. I counseled the client on her rights and what to do if she encounters immigration officials. I sent her a packet in the mail explaining all her rights and gave her copies of her immigration documents to have on hand.
- I advised two clients on whether they can travel out of state and if so, how they should be prepared for potential encounters with immigration officials.

### **Special Immigrant Juvenile (SIJS) Application (2)**

- I completed an I-360 SIJS application for a minor child in foster care. Client is currently in the hospital. I worked with the client over the phone to complete the application and sent it to her social worker for her signature.
- I completed an I-360 SIJS application for a minor child in foster care. I am also mentoring her Child in Need of Assistance Attorney to modify the SIJS order to make it comply with USCIS requirements.

### **Private Bill (1)**

- I am working with Senator Van Hollen's office to assess the likelihood of introducing a private bill for the immigration relief of my client. I wrote up a detailed summary of this client's immigration history for the Senator's office. I supervised an intern to submit an ICE FOIA request. I received and analyzed this request in order to evaluate any alternative options for relief this client may have.

### **Social Services Referral (1)**

- I have a client who was worried about how her receipt of public benefits would affect her immigration case. I advised her on this question, and then referred her to our social services department so that she could find out more about what public benefits are available and for which ones she may qualify.



### **Consular Processing (5)**

- I filled out and submitted visa applications for five family members. This involved contacting each family member abroad to gather their information for the forms, identifying co-sponsors, completing the co-sponsor forms, and uploading a variety of supporting documents.

### **State court representation (2)**

- I completed a custody and SIJS motion in DC Superior Court for two minor children who have been abused, abandoned, and neglected by their father. I am representing their mother to gain custody of the minor children. I filed the motion and supporting documents and sent the service packet to the father. The hearing is scheduled for late August.

### **Asylum (2)**

- I am supervising an intern on a complex gang-based asylum case. I have provided guidance and feedback as she is working on compiling country conditions reports, writing an annotated bibliography, and drafting the client's personal statement.
- I completed and submitted an asylum application for an unaccompanied minor, submitting it just in time before her 18th birthday so that she could preserve her right to apply affirmatively with USCIS.

### **Work authorization (1)**

- I am supervising an intern on an application for work authorization for a current client. I have provided guidance and feedback on her cover letter, form, and supporting documents.

### **Advance Parole (2)**

- I supervised an intern to fill out an advance parole application for a client to submit simultaneously with his work authorization application.
- I worked with a client to file for emergency advance parole. The client wished to visit his gravely ill father in his home country and needed permission to travel outside of the US. I worked with the client to gather evidence of his father's medical condition. I contacted the USCIS office to schedule an appointment for the client.

### **VAWA (1)**

- I am working with a legal assistant to file a VAWA application for a client.



### **T Visa (1)**

- I completed and submitted a T visa application for a client to submit just in time before her 18th birthday so that she would not have to meet the requirement to get involved with law enforcement. I also submitted a supplemental application to add the client's sister to her application.

### **Responses for Requests for Evidence (2)**

- I responded to one request for evidence for missing pages of the client's passport.
- I responded to a request for evidence for a medical examination. The response was received, and the client was granted his green card.

### **Unlawful Presence Waiver (1)**

- I worked with a client and his wife to submit an unlawful presence waiver. The client must have his period of unlawful presence waived before he can consular process and become a lawful permanent resident. I worked with the clients to gather evidence to prove the hardship the US citizen wife would suffer if her husband were deported. I wrote a brief outlining how the client qualifies for and deserves a grant of the waiver.

### **U visa certification (1)**

- I prepared and submitted a request to the Metropolitan Police Department to certify that my client had been the victim of a qualifying crime and was helpful in the investigation of the crime.

### **U Visa (1)**

- I submitted a U visa application this quarter. I had done most of the work for this case in the previous quarter but was waiting on a last piece of evidence before submitting. I assisted the client in setting up a meeting with a therapist. I communicated with the therapist regarding a mental health evaluation for the client. I received the mental health evaluation and submitted the application.

**Total clients helped: 26**



## Success:

I was glad to have been able to submit a client's asylum and T visa applications in time before her 18th birthday. I felt that the client and I built a good rapport at our first two meetings, so that later when I asked her for a quick turnaround on getting me additional information and documentation, she was responsive and willing. This was crucial for submitting a timely and complete application.

## Challenges:

One of the biggest challenges this quarter was dealing with the changes to Unaccompanied Alien Child (UAC) designation. I had a client who, under the previous standards, was considered a UAC. We worked hard to submit an affirmative asylum application for him. Now, however, he is no longer considered a UAC and the asylum case will be directly referred to court. I had another client who decided not to apply for asylum at the time because she still had several years to apply. However, under the new designation, she no longer qualifies to apply for affirmative asylum. It has been challenging explaining this sudden change to clients without having a logical explanation for why it is happening.

## Goals for upcoming quarter:

1. Work on a VAWA case
2. Represent a mother in her custody and SIJS findings proceedings and represent her sons in their SIJS cases
3. Be able to identify inadmissibility issues and what waivers are available depending on the circumstance.



Joshua L. Doherty, Esq.

Admitted to the Bars of Virginia and the District of Columbia  
Practice outside Virginia and the District of Columbia  
limited to immigration and nationality law

July 25, 2019

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Re: Mid-Year Evaluation of Kelly Hii

Dear Mr. Ruben:

I am writing to provide the mid-year evaluation of Kelly Hii, Ayuda's Equal Justice America Fellow. I have been supervising Kelly since she began at Ayuda in September 2018, and this report reflects upon her second six months working at our organization.

During this time, Kelly has grown tremendously as an advocate for her low-income immigrant clients. She has continued representation, and taken on as lead attorney a number of new cases, providing clients with important updates about the processing of their cases and preparing supplemental filings as needed in these cases. Kelly has been a great representative for Ayuda at external trainings and networking events.

Kelly has continued conducting her own immigration consultations, meeting with clients to discuss their immigration history, quickly building rapport with her clients, and analyzing what legal remedies are available to them. During these meetings, Kelly often has to elicit details about painful times in clients' pasts in order to discover whether a client has any humanitarian forms of immigration relief available to them. She has successfully interviewed domestic violence survivors, trafficking victims, and asylum seekers who quickly recognize Kelly's legal competence and empathy. After listening to their stories, Kelly quickly identifies available forms of relief and summarizes in clear, understandable language these clients' pathways to lawful status.

In addition to making sure that legal explanations are accessible to our clients, Kelly has also impressed with her ability to speak to a legal audience. She has advocated successfully for clients to obtain valuable evidence in support of their immigration cases in the form of U visa certifications, and has prepared successful applications that she has

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submitted to immigration. Given the ever-increasingly hostile adjudicatory body we represent clients before, Kelly has been thorough and creative in identifying all viable cases and assisting clients in pursuing multiple forms of immigration relief. Kelly's clients have obtained meaningful results in their cases: several are now lawful permanent residents thanks to Kelly's work! In addition, Kelly was able to forge a relationship with a new-to-Ayuda law enforcement organization. Thanks to Kelly's passionate advocacy, this police department was willing to certify a client's cooperation with law enforcement, opening the door for her to apply for a U visa, a specific type of visa for victims of crime.

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several are now lawful permanent residents thanks to Kelly's work!**

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About a year into her fellowship, Kelly is making a meaningful difference in her clients' lives and valuable contributions to Ayuda's work in the community. Because of Kelly's interventions, low-income immigrants across the DC area are receiving competent legal advice and representation in their cases.

I have prepared this evaluation in coordination with my colleague Shanti Martin Brown, Senior Staff Attorney, who is currently supervising Kelly during my leave. Please do not hesitate to contact me at my direct number at (202) 243-7313, or by email at [josh.doherty@ayuda.com](mailto:josh.doherty@ayuda.com). Thank you for your kind attention and consideration.

Sincerely,



Joshua L. Doherty, Esq.  
Managing Attorney, DC Immigration