



EQUAL JUSTICE AMERICA
LEGAL SERVICES FELLOWSHIPS

Post-Graduate Immigration Fellowship: Chicago, IL

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Lauren Dana EJA Fellow's Journal

Our office submits fee waiver requests in most cases because our low-income clients do not have the funds to cover fees required for various immigration filings, and USCIS has a system in place to waive fees when applicants demonstrate their inability to pay. Over the last few months, USCIS has implemented a new approach to how they review and approve fee waiver requests, through both formal and informal policies. As a result, we have seen many denials of meritorious fee waiver requests for clients who earn below 150 percent of the federal poverty guidelines, or who suffer severe financial hardship and demonstrate their inability to pay the filing fees. Upon denial of a fee waiver request, USCIS rejects and returns the filing. When the denial appears improper, we resubmit our request and explain again how our client qualifies for the fee waiver.

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Unfortunately, these improper denials cost us hours of repeated work, cause a delay in the client's application, or cause additional financial strain on low-income clients already struggling to support their family. This aspect of my work has been frustrating because the denials appear arbitrary, and resubmitting the request takes our time away from other cases. I also know that my clients do not have the funds; they barely make ends meet, and often they are still dealing with the financial impact of separating from an abusive spouse. Nonetheless, this issue has reminded me how having an attorney on your side makes the difference between having your case heard or not. I see it as another opportunity to advocate on behalf of my clients in order to overcome the barriers standing between them and their access to justice.



Summary and Achievements:

This quarter I focused primarily on the three U visa cases I filed, as well as responses to fee waiver denials. I also finalized two VAWA/Adjustment of Status applications that I will file early next quarter.

U visa and VAWA Cases

I filed 3 U visa applications. I filed these applications on behalf of clients who survived domestic violence committed by a spouse or partner who became even more violent with substance abuse. Each client obtained an order of protection to protect her after an escalated incident of abuse. I worked extensively with each client to gather the necessary documents, detail the abuse 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 20 U visa, 5 VAWA, and 2 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, and drafting affidavits. Again, I worked extensively with clients through the emotional process of writing their affidavit that described the abuse, their cooperation with law enforcement, and the substantial harm they suffered.

I also filed 2 Employment Authorization applications for two U visa clients who are eligible to work based on other pending applications. Having evaluated and researched their cases, I determined their eligibility and assisted them with their applications that, upon approval, will empower them with work opportunities to better provide for themselves and their families.



U Visa Certifications

I requested 5 new U visa certifications this quarter from law enforcement agencies, including the Berwyn Police Department, Niles Police Department, the Circuit Court of Cook County, and the Cook County State's Attorney's Office. Of those certifications I requested this quarter and those still pending from last quarter, **3 U visa certifications were signed by law enforcement and 4 are currently pending.**

VOICES Act Passes in IL

Requesting certifications from law enforcement agencies that have less familiarity with the U visa process, or that operate with fewer resources, requires additional advocacy. For example, officers in an under-staffed police department may work in the field and be difficult to reach, they may not have a designated certifying official, or they may not have the administrative support to track incoming requests. Sometimes the greatest obstacle in a U visa case is a law enforcement agency that simply does not respond to a certification request.

In response to the issue of disparate handling of certification requests, the Illinois General Assembly recently passed the VOICES Act to provide new protections to immigrant survivors of crimes. This new law will help ensure that survivors across Illinois have uniform access to the U visa by standardizing the process of certification requests and responding to such requests.

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

Rebecca

Rebecca is a Mexican national with three US citizen children. Rebecca's partner, the father of her children, subjected her to years of domestic violence, including physical, verbal, and emotional abuse. After an escalated incident of abuse in which the abuser hit her and threatened to kill her, Rebecca called the police for help. She then went to the domestic violence courthouse where she petitioned for and was granted an emergency order of protection. As a result of her reporting, there is an ongoing prosecution of the abuser for this crime. I will apply for a U visa on Rebecca's behalf. With LAF's assistance, Rebecca will have protections in place to keep her and her children together and in a home free of violence.

Michael

Michael, a Mexican national, has two minor US citizen daughters, and has lived in the United States for over 20 years. When Michael discovered that a family member had sexually abused both of his daughters, he reported the crime to the police. As a result of his reporting and cooperation with law enforcement, the police arrested the family member who now faces criminal prosecution. I will request a U visa certification and then file a U visa application on Michael's behalf. I also referred his case to our social worker, who has provided the family with counseling referrals to help them process and cope with the trauma they endured. With LAF's assistance, Michael and his daughters have the supports they need, and can look forward to a safer and more stable future as a family.

Emma

Emma, a Polish national, came to the United States to visit her family. During her stay, Emma met and fell in love with a US citizen, for whom she decided to remain in the country. They decided to be together and eventually married, but then her husband became abusive. He began subjecting Emma to verbal, emotional, and sexual abuse, which she would endure throughout their marriage. After an escalated incident of physical abuse, Emma called the police for help and later went to the domestic violence courthouse. She obtained an emergency order of protection, and a subsequent restraining order against her abuser. I will file a VAWA self-petition and an Adjustment of Status application on Emma's behalf. With LAF's assistance, Emma will have the protections she needs to rebuild a safe and independent life free from her abuser.



Success Stories

Unfortunately, USCIS processing times have become even more delayed, so I look to the cases I have filed as my primary successes. As outlined above, this quarter I:

- Filed three U visa applications;
- Filed two Employment Authorization applications;
- Obtained three signed U visa certifications; and
- Finalized two VAWA/Adjustment of Status applications.

Goals for January – March 2019

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

- Five U visa applications
- Four U visa certification requests
- Two VAWA/Adjustment of Status petitions

I expect to receive the results of the investigation of my first employment discrimination case, which will determine whether the case moves forward to the hearing stage. If it does, I will work with my client and prepare to litigate his case at the administrative hearing. I also expect my second employment discrimination case to move forward in the next quarter. I anticipate working with my client to prepare for an interview with the Investigator of her case.



Supervision and Support

Lauren continues to guide new staff and her coworkers on issues related to policy change. She is now a member of the AILA and provides the team with relevant news and updates on policy and cases. She seeks out challenging cases and has shown an increased ability to issue possible remedies for clients.

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Finally, Lauren continues to work strategically to address the policy changes that have added more work to her caseload. She views each case individually and works diligently to submit persuasive arguments to allow our clients to obtain fee waivers, which are now more and more difficult to obtain.

Lauren continues to be an important member of IWR and we are grateful for her proactive approach and for the quality representation she provides all her clients.

–Nubia Willman, Supervisor 312-347-8324