



EQUAL JUSTICE AMERICA
LEGAL SERVICES FELLOWSHIPS

Post-Graduate Immigration Fellowship: Chicago, IL

July 2019



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Lauren Dana EJA Fellow's Journal

Over the last two months, Legal Aid Chicago has provided me with several exciting opportunities for professional development. I attended the Illinois Association of Agencies and Community Organizations for Migrant Advocacy (IAACOMA) annual conference, which provided updates on various issues impacting migrant communities, as well as an opportunity to meet direct service providers working with our client population.

I also attended the Committee on Regional Training (CORT) Migrant Farmworker and Immigrant Worker Law Training, a pre-season farmworker law training on various legal issues facing the farmworker population. Over three days, I met and learned from legal services providers from across the Midwest, and the country. The training focused on issues affecting migrant and seasonal farmworkers, including agricultural employment, labor camp housing, health and safety, access to public benefits, services and immigration issues. The training also addressed specialized issues particular to migrant outreach.

Finally, I assisted with a deposition in a Family and Medical Leave Act (FMLA) case. Our client was improperly denied his FMLA leave and subsequently terminated, in violation of the FMLA. I helped prepare for the deposition, and traveled with the lead attorney to conduct the deposition out of state. I have enjoyed working on a federal litigation case, which allows me to develop new skills as I transition into my permanent position with Legal Aid Chicago.



Summary and Achievements:

This quarter I focused primarily on the three U visas and three VAWA/Adjustment of Status petitions I filed. I also finalized a settlement agreement in my employment discrimination case, conducted a training on the public charge rule, trained and facilitated a pro bono clinic, and assisted with a deposition in a Family and Medical Leave Act case.

Another development this quarter took place at our 2019 Annual Luncheon in June, when we announced that LAF's name has officially changed to Legal Aid Chicago. With the implementation of this change, I am excited to see the organization evolve to more clearly reflect what we do with the goal of better serving our community.

U visa and VAWA Cases

I filed 3 U visa applications, and 3 VAWA/Adjustment of Status applications. I filed these applications on behalf of clients who endured the indirect harm of sexual assault of their child in some cases, and years of domestic violence in others. I worked extensively with each client to gather the necessary documents, detail the abuses they and their children 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.

Success Story:

One of the VAWA and Adjustment of Status (AOS) applications I filed was for a client currently in removal proceedings, or facing deportation, with an upcoming court date before the Immigration Judge. This imposed an incredibly tight deadline for me to file for her immigration remedy before she had to appear again in court so that we could ask the judge for more time. I completed and filed the client's application within 6 weeks of accepting her case, which usually takes around 6 months given our resources. With her application filed, we can now ask the judge to hold off on deciding whether to remove the client from the country until her VAWA/AOS case is adjudicated by USCIS. With my assistance, the client now has a pending application for the immigration benefit for which she is eligible, and should obtain a new court date.



I am working on 18 U visa, 3 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, completing immigration forms, and drafting affidavits. Again, I worked extensively with clients through the emotional process of writing their affidavit that described the domestic violence or other qualifying crimes, their cooperation with law enforcement, and the substantial harm or extreme cruelty they suffered.

Success Story:

I also filed two responses to Requests for Evidence (RFE) with USCIS. For the first RFE response, I successfully obtained the necessary documents in time to support my client's pending I-751 petition to remove conditions on his residence. For the second RFE response, I provided a sufficient explanation and, just weeks later, I received the work authorization approval and accompanying Employment Authorization Document for my client.

U Visa Certifications

I requested 4 new U visa certifications this quarter from various law enforcement agencies, including the Circuit Court of Cook County's Domestic Violence Division, and the Cook County State's Attorney's Office. Of the certifications I requested this quarter and those still pending from last quarter, **4 U visa certifications** were signed by law enforcement and one is pending.

Success Story:

One of the signed U visa certifications I received this quarter was for a client in removal proceedings with a fast-approaching court date before the Immigration Judge. The upcoming court date imposed a tight deadline for me to obtain the U visa certification and file her U visa. I worked expediently with the client to obtain the information and documents I needed to start her case, submitted the certification request, and received a positive response in time to file the application before her next court date. Thanks to this advocacy, the client now has an option for immigration relief that we will help her pursue, and will have representation in court to ask the judge to hold off on deciding whether to remove her from the country until her U visa case is adjudicated by USCIS.



Settlement Reached 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. Since the Investigator made a finding of substantial evidence, and the administrative hearing process began, I have engaged in ongoing settlement negotiations with opposing counsel. This quarter we reached a settlement agreement that resulted in a significant award for my client's emotional distress as well as his attorney's fees. With Legal Aid's assistance, the client has been able to afford an immigration petition to protect him from deportation and allow him to work, transportation costs to visit his family, and some financial support as he lives paycheck to paycheck. Further, the attorney's fees awarded to Legal Aid Chicago will allow us to continue assisting more clients with their critical legal needs.

Public Charge Trainings

In collaboration with the Community Health Partnership of Illinois (CHP), Legal Aid Chicago is training CHP staff and its community members on the issue of public charge. We are also providing technical assistance to the community to help individuals assess the potential impact of the public charge rule in their specific case. This quarter I provided one of these trainings to CHP staff, and have been working with my colleague to connect with communities across Illinois for future trainings.

In October 2018, the Department of Homeland Security published a proposed rule that broadens the definition of who may be considered a public charge and thus denied lawful admission to the U.S. on that ground. This proposed rule caused a widespread fear among immigrant communities that accessing public benefits would result in future ineligibility for immigration relief. As a result, many individuals eligible for public benefits, and who rely on those benefits to meet the basic food, shelter, and health needs of their families, have unenrolled from services. With our trainings and technical assistance, we aim to empower immigrant communities in Illinois with an understanding of the public charge rule so that they can make the best decision for themselves and their families, and access the services they need.



U Visa Pro Bono Clinic

Legal Aid Chicago partnered with Chapman and Cutler LLP and Bank of America attorneys to provide a pro bono clinic for our U visa clients. I trained the pro bono attorneys on the U Visa and specifically the issue of inadmissibility, which requires a waiver of immigration violations for USCIS to grant lawful admission and a U visa approval. After the training, I oversaw the clinic during which pro bono attorneys worked with our clients to gather information and complete USCIS immigration forms. The pro bono clinic assisted six individuals in filling out their U visa applications in one afternoon.

Weekly Work

Over the last several weeks, I have been directly supervising three summer law student interns. As it did last summer, the opportunity to exercise my mentorship skills and also build support for my cases has made my work especially productive and interesting.

My weekly work also 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

Emily

Emily, a Brazilian national, came to the United States to make a life with her U.S. citizen husband. Although she had high hopes for a successful marriage, her husband soon began engaging in controlling and abusive behaviors toward her. For more than a decade, Emily would endure his extreme abuse, suffering in isolation and without resources to get the help she needed. Emily has since escaped the abuse and reached Legal Aid Chicago. Emily faces deportation and must make her case before



the immigration judge. As a survivor of extreme cruelty by her U.S. citizen spouse, Emily is eligible for VAWA and Adjustment of Status, which would grant her lawful permanent resident status. I recently filed Emily's application with USCIS, and will represent her in immigration court. With Legal Aid Chicago's assistance, Emily is on a path to a safer and independent life free of abuse.

Alison

Alison, a Mexican national, has lived in the United States for nearly 20 years and has two U.S. citizen children. Throughout her relationship with her husband, Alison endured his verbal, physical, and psychological abuse. Her husband hit her, choked her, and slammed her on the floor. Alison's husband threatened to kill her, and after their separation he threatened to kill her partner. Alison reported the abuse and her fear for her safety to the Domestic Violence Division of the Circuit Court of Cook County, and obtained an Emergency Order of Protection. The judge subsequently issued a Plenary Order of Protection, protecting Alison and her children from her ex-husband's abusive conduct for two years. I have obtained a U visa certification, and will file a U visa on Alison's behalf. With Legal Aid Chicago's assistance, Alison will regain stability and remain safely together with her U.S. citizen children as she recovers from the trauma caused by years of domestic violence.

Additional Success Stories

As I enter the last couple months of my fellowship, my cases have progressed and enough time has passed that I have seen numerous concrete successes. I describe several above: timely filing an urgent VAWA/Adjustment of Status application; receiving an approval and documents for my client's work authorization; obtaining a signed U visa certification timely for an urgent U visa application; and reaching a settlement agreement in my client's employment discrimination case.

The most exciting success thus far is the T visa approval for my client, Julie, and her three derivative family members. I previously described Julie's story in my January 2018 report:

Julie is a 17-year-old girl from Mexico. In order to get away from a dangerous and abusive relationship, she decided to visit family in the United States for a couple months. She hoped that with some time she could distance herself from that



abuse, and then return to a safer and more stable situation. She took this goal seriously as she is the single parent of her young daughter. The family member that hosted her in the U.S., however, began grooming Julie and coerced her to engage in sex work. She manipulated Julie into thinking that this was the only way she could provide for her daughter and give her a good life. The trafficker intimidated Julie, threatened her with her immigration status, and controlled her with tactics such as keeping the money she earned. Julie felt hopeless and did not know how to get out of her trafficking situation.

The most exciting success thus far is the T visa approval for my client, Julie, and her three derivative family members With our assistance, Julie obtained a Civil No Contact Order protecting her from the trafficker for two years, and now she has obtained temporary lawful status that puts her on a path toward lawful permanent residency.

Julie was eventually able to escape her trafficking situation and was referred to Legal Aid Chicago. With our assistance, Julie obtained a Civil No Contact Order protecting her from the trafficker for two years, and now she has obtained temporary lawful status that puts her on a path toward lawful permanent residency. Julie also has a case manager who connects her with benefits and services available to survivors of trafficking. With her approved T visa, Julie may remain in the U.S. to access these benefits and services, and to cooperate in the prosecution of her trafficker. In addition, her three derivative family members also have status and permission to work, which allows the family to establish a stable, safe and loving home together as they overcome the trauma they experienced.

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

- Filed five U visa applications with three derivatives;
- Obtained four signed U visa certifications;
- Helped to coordinate a conference on seeking justice for women workers, including immigrant women;
- Mentored a law student intern; and
- Successfully advocated for federal law enforcement to request Continued Presence on my T visa client's behalf.



Goals for July – September 2019

Before I complete my fellowship, I hope to file the following applications:

- Eight U visa applications
- Three VAWA and three Adjustment of Status petitions
- One Motion for a Continuance

Supervision and Support

As always, Lauren is an integral part of our practice group and a leader for newer attorneys and paralegals. She is strategic and thorough with her case work and works hard to provide clients with the best services and legal relief available to them, even if at times that requires adding more work to her docket. She does so without complaint, modeling a best practice approach for the rest of the team.

–Nubia Willman, Supervisor 312-347-8324