



EQUAL JUSTICE AMERICA
LEGAL SERVICES FELLOWSHIPS

Post-Graduate Immigration Fellowship: Washington, DC

May 27, 2019



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Kelly Hii EJA Fellow's Journal

These past few months doing immigration work at Ayuda have been rewarding, challenging, and humbling to say the least. One of the clients that particularly stands out to me is a client named Evelyn. Evelyn is a compassionate, faithful, and endlessly joyful single mother of three children. Her youngest son is severely disabled and is unable to speak, chew, swallow, walk, or do anything by himself. He must be fed through a tube and is often rushed to the emergency room due to breathing and heart complications.

Evelyn is seeking a U visa, which is a form of relief available to victims of certain crimes in the United States who assist law enforcement in identifying and investigating the crime. Evelyn is the survivor of over twelve years of domestic at the hands of her former partner. She called the police to report the abuse against her, but her situation made it difficult to continue pressing charges against her ex-partner because she depends on his monthly checks to support her children. She incurs high transportation and medical expenses as she travels to specialists several hours away to receive treatment for her son. Because she is undocumented, she cannot work to support her family. Evelyn knew that if she pressed charges against her ex-partner, he could go to jail and get deported, leaving him unable to support Evelyn and the kids. She assisted the police to the best of her ability by making the report, answering all the officer's questions, and identifying the abuser, but ended up dropping the charges.

Unfortunately, this decision made it difficult for her to receive the law enforcement certification necessary to apply for a U visa. A police officer, judge, or any other official must certify that the crime occurred and that the victim was helpful in identifying or investigating the crime. In Evelyn's case, the sheriff of the station where she reported the crime said that he does not sign U visa certifications when the victim has dropped the criminal charges. When pressed, he conceded that he would sign if the victim can show a compelling reason why the charges were dropped. That's all Evelyn and I needed- we quickly began compiling all her son's medical records and wrote a detailed personal statement explaining her difficult situation. After following



up several times with the sheriff, he eventually agreed to sign the certification due to her circumstances. We were thrilled.

A few weeks later, I drove out to the rural area where Evelyn lives and met with her in person to work on her U visa application. We met for several hours as she told me more about her life, the challenges she's been through, and how her faith has carried her through. I'll always remember how her eyes shone with a deep joy as she told me that she knows one day her son will walk.

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We submitted her application packet and recently received a notice that her application fees have been waived. I know this will be a relief for Evelyn. Evelyn is also working with the Ayuda social services department to get a wheel chair accessible ramp so that she can easily transport her son between the car and the house, as he is getting too heavy to be carried. It is wonderful to be a part of an organization that can offer holistic services to our clients, caring for their various legal, social, and emotional needs.

My work with Evelyn inspired me to learn more about victim and survivor rights. In March, I attended a three-day conference in New Orleans hosted by the Victim Rights Law Center. My colleagues and I heard from people on the front lines of serving survivors of domestic and sexual violence. We explored restorative justice practices and tactics for working with survivors with mental impairments, and looked at the intersection of housing, employment, and immigration law. We were able to collaborate and share some of our best practices with one another. I am excited to apply this knowledge to the rest of my cases involving survivors and continue to advocate on behalf of those who have been oppressed.





Quarter Initiatives:

The focus of my work this quarter has been to expand my caseload and gain experience working on a variety of new and unfamiliar types of cases.

Client's Served:

NACARA Consultation (1)

- Met with client for initial interview
- Researched NACARA requirements and applied them to this client's situation
- Submitted FOIA request to OBIM
- Received and analyzed FOIA

Naturalization (1)

- Conducted a consult to assess client's eligibility for naturalization
- Met with client several times to gather documents and complete the N-400
- Submitted the final N-400 application packet and have kept in communication with client about next steps

U Visa Certification and U Visa Application (2)

- Completed form I-918Bs with supporting evidence, sent to law enforcement officials
- Followed up several times to check on the status of the requests
- On receiving pushback from the sheriff because the victim dropped the charges, worked with client to compile evidence and write declaration explaining why she dropped charges, sent this to the sheriff's office and the sheriff granted the certification.
- Met with clients in rural area of Maryland to go over U visa forms and personal statements
- Submitted one complete U visa filing to USCIS. I am waiting on a few final documents before submitting the second one.
- Referred one client to social services for a handicap accessible ramp to make it possible for her to transport her son, who cannot walk, in and out of the house.



Deferred Action (1)

- Attended client's ICE check-in where she was granted deferred action for one year.
- In the process of researching long-term, sustainable options for this client to remain legally in the U.S., including a motion to reopen her removal proceedings and a private bill.

Consular Processing (2)

- Working with two clients to consular process their family members who are abroad
- Filled out the DS-260 applications online
- Filled out the I-864 affidavits of support
- Compiling supporting evidence and civil documents

Special Immigration Juvenile Status (SIJS) (2)

- Consultation with each of two brothers to assess their eligibility for SIJS
- Meeting with mom to explain the process of SIJS
- Interviewed mom to get details for her personal statement

FOIA Requests (2)

- Department of State and USCIS FOIA requests for client to assess whether he is eligible to naturalize.
- Analyzing the USCIS FOIA and still waiting for the Department of State FOIA response

Work authorization (1)

- Work with a client who has a pending asylum application to submit a work permit renewal application

T-Visa adjustment of status (6)

- Submitted 6 adjustment of status applications for a family
- Compiled all evidence, filled out all forms
- Received a fee waiver for the application

U Visa adjustment of status (1)

- Met with client, compiled evidence, filled out forms, and submitted application for client's adjustment of status based on receiving a U visa.



Affirmative Asylum (2)

- Worked on the asylum case for UAC to file before his 18th birthday; met with client for consult and again to write personal statement, filled out forms, researched country conditions, compiled evidence, wrote brief of country conditions and legal arguments, submitted the complete filing
- Conducted consult with a couple with two children to assess their eligibility for asylum; met with client to explain the asylum process, filled out the I-589, collected documents, and interviewed clients to get information for the personal statement. Working on composing declaration, compiling evidence, researching country conditions, and writing cover letter.

T visa (1)

- Met with client to confirm the facts of her T visa case
- Contacted the court to try to access more documents relating to the criminal case against client's abuser but the case has not progressed.

General consultations (3)

- Conducted a consult with potential new client, assessed eligibility for all forms of relief, advised that she has an asylum claim, referred out to pro bono pipeline
- Consultation with client, assessed eligibility, and advised her of her options and at this time we would not be able to represent her.
- Consultation with client, assessed eligibility, determined eligibility for multiple forms of relief, contacted client to set up a meeting with sign contract for representation.

Total clients helped: 25

Success:

The greatest success I had was receiving a U visa certification for a client and then submitting her U visa application packet. I consider this a success because I was able to overcome the difficulties of working with a client who lives about two hours away from the office and of working with a law enforcement agency that was hesitant to grant her certification because she dropped the criminal charges against her abuser. It was helpful to follow up often with the law enforcement agency and inquire about the progress. When the officer expressed hesitation, I worked with the client write a declaration and submit evidence that showed her compelling reason for dropping the



charges. Ultimately the certification was granted, and the client was able to apply for a U visa. Additionally, because Ayuda works to provide holistic services to our clients, I was able to refer her to our social services department in order to get a wheel chair ramp installed outside of her trailer home, so she can transport her son with a disability from the house to the car.

Challenges:

The greatest challenge I had was deciding not to take a case and notifying the clients. I conducted consultations with new clients to assess their eligibility for relief. After the consultation, I present the facts to our team of lawyers and we decide whether the client has any relief and if so, whether we can take the case. It was difficult to have formed a bond with the client and believe that they deserve to receive legal status here, but not seeing any viable form of relief, or not having the personal capacity to take on the case. I am still exploring strategies for confronting this challenge.

Goals for upcoming quarter:

1. Working on a VAWA case
2. Representing a mother in her custody and SIJS findings proceedings and representing her sons in their SIJS cases
3. Working on a T visa case