



EQUAL JUSTICE AMERICA
LEGAL SERVICES FELLOWSHIPS

Post-Graduate Immigration Fellowship: Chicago, IL

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Lauren Dana
EJA Fellow
Immigrants and Workers'
Rights Practice Group, LAF



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Lauren Dana EJA Fellow's Journal

The last few months, my team has continued responding to shifting immigration policies and proposed rule changes. I have had tough conversations with my clients in which I describe these changes and explain how they could impact the client's case. For most, these new policies have significantly increased the risk of filing for immigration relief and made the process more unpredictable. My clients have their families, their

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Summary and Achievements:

In addition to my U visa and VAWA cases, this quarter I advocated on behalf of a U visa client to protect his confidentiality, conducted statewide outreach to migrant workers, and joined LAF's People with Disabilities Task Force.

U visa and VAWA Cases

I filed 2 U visa applications and 1 VAWA self-petition. I filed these applications on behalf of clients who, in all three cases, survived domestic violence committed by a spouse or boyfriend who was also the father of their children. 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 18 U visa, 7 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.

Victim/Witness Advocacy for U Visa Client

I provided victim/witness advocacy to my U visa client during the criminal prosecution of his abuser. As a result of my client's reporting and cooperation with law enforcement, police arrested and prosecutors charged the abuser for the domestic violence he committed against my client. As the victim, my client is the prosecution's primary witness in the criminal case. Although the prosecutor relies on my client to prove their case, they are not his advocate. I exercised my role as my client's attorney to protect his confidentiality and safety during the criminal case against the abuser.

In this role, **I successfully advocated with local law enforcement officials in order to protect my client's confidentiality.** By statute, U visa applicants have confidentiality protections against disclosure of their information to abusers. These



protections, called VAWA confidentiality, intend to prevent abusers from further threatening or harming survivors. Abusers may attempt to obtain a survivor's confidential information, including their U visa application, through discovery or cross-examination in a criminal case. I educated and prepared the prosecutor to protect my client's confidentiality by objecting to improper questioning or reminding the court of VAWA confidentiality. As a result, my client's U visa application remains confidential and out of the hands of his abuser.

U Visa Certifications

I requested three new U visa certifications this quarter from law enforcement agencies, including the Harvey Police Department, Chicago Police Department, and the Circuit Court of Cook County. Of those certifications I requested this quarter and those still pending from last quarter, **5 U visa certifications were signed by law enforcement and 3 are currently pending.**

IWR Migrant Outreach Trip

I conducted outreach to migrant workers across southern Illinois with a team of IWR attorneys and paralegals. Our group of eight traveled in two cars across the state, stopping at various work and housing locations to talk to migrant workers about their rights... With LAF's outreach efforts, these migrant workers now know they have rights, and they have a number to call if they need legal assistance, including to recover stolen wages or to address unlawful working or housing conditions.

I conducted outreach to migrant workers across southern Illinois with a team of IWR attorneys and paralegals. Our group of eight traveled in two cars across the state, stopping at various work and housing locations to talk to migrant workers about their rights. We stopped at multiple orchards, farms and vineyards to reach H-2A workers. We met with some community organizations, as well as two potential clients with immigration issues.

We also stopped at a county fair, where we spoke with several of the 40 H-2B workers contracted by a carnival company. These carnival workers tour the region, moving



from one fair to the next, such that they only stay in the same town for a few days. This work puts them at significant risk of exploitation, as it limits the time they have to find or access resources when needed, and keeps them in a remote environment and at a distance from communities that might otherwise provide some transparency or accountability. With LAF's outreach efforts, these migrant workers now know they have rights, and they have a number to call if they need legal assistance, including to recover stolen wages or to address unlawful working or housing conditions.

LAF's People with Disabilities Task Force

This quarter I joined LAF's People with Disabilities Task Force (PWDTF), which focuses on improving LAF's services to clients with disabilities and overall accessibility. We meet monthly to plan and coordinate trainings for LAF advocates on compassion fatigue, supporting clients with depression, court access for people with disabilities, as well as events for disability pride month and mental health awareness month. Most recently, we created outreach materials to help orient potential clients with disabilities to the legal services LAF provides that could be especially helpful to them, such as employment discrimination or issues with disability benefits. LAF has several internal task forces that focus their advocacy on client needs, such as those relating to civil rights, domestic violence, and HIV/AIDS.

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

Cristina

Cristina lived in Venezuela with her husband and two minor children. Due to her husband's membership in a political group, he was threatened, kidnapped, tortured, intimidated, and surveilled. Cristina also faced threats and intimidation, and never knew when her husband was taken whether he would return alive, so the family decided to flee to the United States and seek asylum. Since arriving in the United States, Cristina's husband has committed verbal and physical abuse against her, and threatened to have her deported if she called the police. To protect herself and her children, Cristina petitioned for and obtained an emergency order of protection. The judge subsequently granted her a plenary order of protection, prohibiting her husband from committing physical abuse, harassment, interference with personal liberty, and stalking against Cristina. I will file a U visa application for Cristina, including her two children as derivatives, to help her regain safety and stability for her family in a home free of abuse.

Amy

Amy, a Saudi Arabian national, came to the United States on a student visa with her husband and their two minor children. Throughout their time here, Amy's husband physically, verbally, and psychologically abused her in front of their children. He threatened to harm her and take their children away from her. Amy reported the domestic violence she endured to the police and to the domestic violence court, which granted her an emergency order of protection and a subsequent plenary order of protection against her husband.

Amy fears return to her home country, where she cannot do anything without the permission of her husband or a family member. They would not allow her to return to the United States, and would instead require her to continue suffering in an abusive marriage. As Amy continues her studies here, I will file a U visa application on her behalf. With LAF's assistance, Amy has a way to escape the violence of her husband, and a path toward safety and stability that she would not have in her home country.



Lucy

Lucy, a Guatemalan national, fled her home country when she feared for her life. Her ex-boyfriend physically abused, threatened, and controlled her. When she tried to leave him, he threatened to take her children away and have her killed. Lucy reported to the police, but nothing happened, so she fled to the United States with her daughter seeking asylum. Since arriving in the United States, Lucy and her daughter have suffered another traumatic experience. Lucy's daughter disclosed that a member of their household had sexually assaulted her. Lucy and her daughter reported to the police, obtained an order of protection, and have since been cooperating with law enforcement's prosecution of the crime. I will file a U visa application for Lucy and her daughter, which they will pursue along with their asylum application. With LAF's assistance, Lucy and her daughter have a chance at a life safe from domestic violence, as they begin to heal from the multiple traumas they have endured.

Success Stories

I received my T visa client's Continued Presence approval from USCIS and her work authorization card. This is a monumental success for my client, who now has the ability to support herself, and begin rebuilding her life since escaping her trafficking situation. Continued Presence also allows her to live without fear of deportation as the prosecution of her trafficker continues.

I also advocated with a local law enforcement agency to orient them on the U visa certification. The certifier had limited experience with the U visa process and U visa certification requirements, and hesitated to sign the certification in my client's case. I took the opportunity to educate the certifier on the U visa, and empower him to certify when appropriate according to the statute, regulations, and Congress's intent: when the victim/survivor has reported a qualifying crime and cooperated with the agency's reasonable requests in the investigation or prosecution of the crime. As a result of my advocacy, the law enforcement agency approved my request and signed the certification, giving my client the opportunity to apply for a U visa based on the domestic violence she suffered and reported.



Additionally, as outlined above, this quarter I:

- Filed two U visa applications;
- Filed one VAWA petitions;
- Obtained five signed U visa certifications; and
- Successfully advocated for law enforcement to protect my U visa client's confidentiality as he testified in the criminal prosecution of his abuser.

Goals for October – December 2018

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

- Three U visa applications
- Four U visa certification requests
- Two VAWA 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 has taken a lead role in learning the new immigration policy changes and informing staff of on-going developments by attending webinars, trainings, and participating in informational meetings run by various stakeholders. Lauren is an asset to the new staff on the team, which includes both new attorneys and paraprofessionals. She is a resource to them and provides guidance and strategy for their work.

Lauren continues to seek out ways to improve her skills, this has resulted in her taking on complex immigration cases that are in proceedings. This may require Lauren to file motions with immigration court and/or represent clients in their Master Calendar Hearings.

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Finally, we continue to be impressed with Lauren's ability to advocate for clients with third-parties. This skill has resulted in a client, a trafficking survivor, obtaining continued presence and in educating the Cook County State's Attorney's Office on VAWA confidentiality provisions to protect her client from revealing information about his immigration application.

Lauren is a vital member of our team and we are so appreciative of the quality work she provides LAF's clients.

–Nubia Willman, Supervisor 312-347-8324