Immigration at the Legal Aid Society of Cleveland

Board Meeting
June 22, 2011
Your Legal Aid Immigration Staff

Immigration is part of HEWII

- The unit is managed by Stephanie Jackson
- Attorney Joseph Lopez
- Lucy Dukes - Legal Assistant
- Attorney Katie Laskey-Donovan - ½ time
- Attorney Camille Gill - ¼ time
- Attorney Megan Sprecher - CAP Unit VAWA Specialist
- Attorney Lauren Gilbride - VLP/CLJ Coordinator
- Attorney Kari White – Denis Murphy Equal Justice Works Fellowship
Brief Introduction to Immigration Law

Clients typically seek help from LASC regarding obtaining an immigration benefit or retaining an immigration status under the INA for themselves or a close relative.

Immigration Law involves the research, analysis and application of:
- Immigration & Nationality Act of 1952 ("INA"),
- 8 Code of Federal Regulations ("CFR"),
- Federal Agency Memos Related to Immigration,
- Board of Immigration Appeals Cases,
- Department of State memos,
- Foreign Affairs Manual,
- Federal Circuit Case Law,
- Supreme Court Case Law, and
- State Court Case Law typically relating to criminal statutes.
In General Foreign Nationals Are In The U.S. In 1 of 4 Statuses

- **Immigrants**—foreign nationals who come to live and work in the United States permanently with an Immigrant visa and LPR status

- **Non-immigrants**—foreign nationals who come to live, work or visit in the United States for a limited period of time and for a limited purpose with a non-immigrant visa

- **Refugees**—foreign nationals, or individuals without a nationality, who are unable or unwilling to return to or avail themselves of the protection of their foreign country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion [8 U.S.C.A. § 1101]

- **Undocumented**—foreign nationals who enter the United States without any visa and typically without having been inspected and admitted by an Immigration Officer or have overstayed/violated their non-immigrant status
What Do We Do Here?

- At the Legal Aid Society of Cleveland all practice areas in our 5 counties are subject to restrictions by LSC Regulations.
- Immigration Practice is specifically affected by eligibility restrictions applicable to non-citizen clients as outlined under 45 C.F.R. 1626.
- The first assessment/determination during intake is eligibility under 45 C.F.R. 1626.
- Pursuant to the Regulations in 45 C.F.R. 1626, those clients who are eligible for our services are either US citizens, eligible foreign nationals, or those who meet certain exceptions as outlined in the LSC Restrictions handout.
- The second step is to determine whether this type of case falls within our case acceptance criteria.
1. **Family-Based Petitions** - Initial petitions, adjustment interviews & removal of conditions on residence
2. **Naturalization Cases** - if Benefits are Threatened
3. **Citizenship Claims** - Derivative through Parent
4. **Removal/Deportation Proceedings** - Legal Permanent Residents with meritorious claims for relief (both detained and non-detained clients) before the Immigration Judge
5. **VAWA Cases** - Battered spouse self-petitions and removal of conditions
6. **U Visas** - Victims of specified crimes
7. **T Visas** - Trafficking victims
8. **Special Immigrant Juvenile Status (SIJS)** - Petitions for children who are wards of the Court
Removal/Deportation Hearings

Proceedings are held before an Immigration Judge (IJ) w/in the Executive Office for Immigration Review

Civil Proceeding - No Right to Appointed Counsel; 2 Part Process:

(1) - Is Individual/Respondent Removable?
Burden of Proof on Government (unless person has not been admitted to US)

(2) – Does Respondent Qualify for any Relief?
Burden of Proof on Respondent
Grant of Relief Within Discretion of Immigration Judge
Defenses and Forms of Relief

1) United States citizen
   - (Exception for USC naturalized under false pretenses)

2) Adjustment of Status - Immediately eligible for LPR status

3) Cancellation of Removal - available to LPRs, also certain immigrants with 10 years residence, good moral character, and exceptional and extremely unusual hardship to USC or LPR spouse, parent or child & No Aggravated felony

4) Asylum - generally required to file within 1 year of entry

5) Withholding of Removal - for those who fear persecution but are not eligible for asylum

6) Convention Against Torture - fear torture by government of home country if returned

7) U-Visa interim relief for victims of violent crimes and deferred action

8) Voluntary Departure - return home at own expense within specified time
Community Education & Advocacy

Some of the advocacy and community education projects we plan:

- VAWA and General Immigration Presentations
- “Know Your Rights” Presentations to Detainees – Detention Project
- City of Cleveland – U-Visa Protocol – Megan Sprecher
- Expansion Of VAWA Protocol to Other Counties
- Pro Se Clinic for Detainees
- Creation and Distribution of General Brochure about Immigration Law & VAWA
VAWA-Type Cases include:

- Battered Spouse Self-Petitions (I-360)
- Victims of a Crime U-Visa Petitions (I-918)
- Victims of Trafficking T-Visa Petitions (I-914)
- Special Immigrant Juvenile Status (I-360)
VLP & CLJ Committee
(Lauren Gilbride)

- Cases Not Accepted for In-House Representation
- Volunteer Lawyers Program Process/Guidelines
- C. Lyonel Jones Committee Process/Guidelines
- Volunteer Lawyers Program Clinics
- Refugee Adjustment Clinic – Catholic Charities (Tom Mrosko)
- Citizenship Day – AILA Ohio (Stacy Cozart & Jenna Peyton)