African Services Committee

Overview of Achievements, 2018-2019

African Services Committee (ASC) is a multiservice agency based in Harlem that is dedicated to assisting members of the African Diaspora, HIV positive clients and members of their household, the LGBT population, homeless and low-income populations, and victims of gender-based violence. ASC specializes in cases with a focus on health, housing, legal, educational, and social services.

While we do not think that numbers fully reflect our work and the complexity of cases that our team takes on, we are proud to report that this year we have significantly overperformed again. ASC closed 778 cases (1,857 in 2 years with a 2-year target of 900 cases). We helped 821 people (1,998 in 2 years with a 2-year target of 970); provided community legal education to 2,326 individuals (3,473 in 2 years with a 2-year target of 1000). We gave 173 referrals (293 in 2 years with a 2-year target of 60); mentored 19 pro bono volunteers; and screened and accepted 861 new cases for representation within the reporting period. Our team was able to secure immigration status for 106 clients closing 82 immigration cases.

Becoming an IOLA grantee allowed ASC to expand its services by employing a part-time Senior Immigration Attorney and Pro Bono Coordinator. The positions addressed an increased demand for capacity building and high-quality immigration work by developing a meaningful pro bono and volunteer program. Through this program, we were also able to engage with law schools and private law firms.

Population Served: Low Income Populations

Area Served: New York County

Total Funding: $1,172,709

Total IOLA Grant: $50,000

Staffing - Full Time Equivalents:
- Total Staff: 11.90
- Lawyers: 6.50
- Paralegals: 3.50
- Other Staff: 1.90
Ms. Client escaped years of gruesome physical, sexual, and emotional abuse by her husband. Due to recent changes in asylum law that challenged asylum claims based on domestic violence, our team developed a political (feminist) and religious (liberal vs. more conservative views of a Muslim woman’s role in society) bases for asylum. Our team prepared supporting evidence and helped Ms. Client prepare for her immigration court hearing and explain that the abuse by her husband was his attempt to punish Ms. Client for her liberal views, her efforts to overcome patriarchal norms, her career success, and intelligence. Ms. Client did not file her asylum application timely, and our team developed a strategy to argue exceptional circumstances. Ultimately, Ms. Client’s very compelling testimony moved Immigration Court to grant her asylum.

The State’s Support Collection Unit (“SCU”), had inappropriately terminated Medicaid coverage of our client’s three children after learning the father had access to employer-based coverage. When SCU learns that a child currently receiving Medicaid through her custodial parent has become eligible for employer-based coverage through her non-custodial parent’s employer, Federal law requires SCU to contact the noncustodial parent’s employer and order the employer to cover the child. The ASC team has since learned SCU recently terminated Medicaid coverage for many children of divorced parents, without providing notice or an opportunity to be heard. When the child relies on ongoing life-saving medication, the result can be catastrophic. This case was further complicated by the lack of trust between the two parents, still reeling from contentious divorce proceedings and corroborated allegations of spousal abuse.

Ms. Client only learned the children’s Medicaid coverage had been terminated when she sought to refill her minor child’s prescription for a 4th generation Antiretroviral medication. While the medication at issue was covered under the employer-based plan, it was subject to a monthly co-payment of $1000, making it prohibitive for the family. Our team provided evidence that co-payments for all HIV drugs were exorbitant under the employer plan, and that the child had acquired a tolerance to three classes of antiretrovirals over just 15 years. Both parties presented a united front to the court, in stark contrast to the hostility of the prior hearings. Our team was able to secure a favorable decision from the New York Family Court in the Bronx determining that all three children are eligible for Medicaid. The Court ruled the father’s employer-based insurance was “unavailable,” because it was not “reasonable in cost.”
Other Services...

### Number of People Benefitted by Services Other Than Direct Legal Representation

<table>
<thead>
<tr>
<th>Total</th>
<th>2,326 people</th>
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<tbody>
<tr>
<td>Community Legal Education</td>
<td>2,326 people</td>
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</tbody>
</table>

### Overview

Our staff at African Services Committee attend various outreach events at churches, mosques, hospitals, community organizations and cultural centers. We conducted community legal education that reached over assisted 2,326 people through presentations, distribution of Know Your Rights materials, and a Facebook video.

### Examples of Other Services

- For domestic violence awareness month the Equal Justice Works fellow gave a presentation at the Queer Detainee Empowerment Project on October 9, 2018. The fellow also gave presentations about domestic violence to our LGBT and women’s support groups.
- On October 23, 2018, our supervising attorney did a presentation to doctors and medical staff at Montefiore Hospital on the new public charge regulations.
- On December 13, 2018, the Ryan White staff attorney did a presentation about immigrants’ rights for a parent information session at South Bronx Classical Charter School. The event was arranged by African Communities Together. This session also included three individual consultations with parents who had questions about their immigration status.

### Trainings

ASC provides regular trainings to staff through NYIC, Catholic Legal Immigration Network Inc. (CLINIC), Practicing Law Institute (PLI), and Community Service Society (CSS) Benefits Plus. Further, below is a list of some of the major conferences and training programs that ASC staff attended/hosted:

- ASC staff provides summer interns with comprehensive trainings on various areas of law (e.g. on various immigration forms of relief, PRUCOL, housing, Special Immigrant Juvenile Status, advocacy, etc.);
- ASC provides asylum training to all pro bono volunteers it hosts and mentors;
- One of ASC’s paralegals completed extensive training through CLINIC in order to work towards partial accreditation;
- 2019 New York Asylum and Immigration Conference - Organized by the Federal Bar Association and Safe Passage Project at New York Law School – 12 legal staff attended;
- ASC organized and presented at an asylum CLE at Troutman and Sandlers;
- Staff Training hosted at ASC: Working with Immigrant Survivors of Violence through NY Mayor’s Office to combat Domestic Violence.
Collaborations With Other Service Providers

- ASC is currently working with New York Immigration Coalition (NYIC) to challenge new public charge regulations that would prevent many of our clients from pursuing immigration relief based on the fact that they have a serious medical condition and/or receive any form of public assistance.

- I-ARC – collaboration between New York immigration legal providers created in response to the challenges of practicing in the current administration. Participants include Center for the Interrogation and Advancement of New Americans, the City University of New York, NYU Immigrant Defense Initiative, UJC, Sanctuary for Families, Safe Passage, Lutheran Social Services of NY, Catholic Migration Services, UnLocal, Catholic Charities, City Bar Justice Center, Legal Services NYC, Make the Road, Immigrant Defense Project, KIND, Community Legal Center, Catholic Legal Immigration Network, Neighbors Link, Legal Aid Society. ASC participates in meetings and has reported on public charge developments.

- ASC collaborated with NY Law School on a highly complex case of a deported client who prevailed on a Motion to Reopen and was brought back to the US by the Government though ASC’s advocacy on the matter. NY Law School successfully co-counseled the matter with ASC securing bond for the client who was brought back into the country into detention and is currently working on advancing client’s trial.

- ASC collaborated with Cardozo Law School by providing information on issues of stays of deportation with the Board of Immigration Appeals and contributing a client story to an amicus brief around some of the stay problems with the Board of Immigration Appeals.

- ASC is also a member of the 2nd Circuit Working Group, New York SIJS Working Group, the PIPBA, and the NYC Crimm-Imm Roundtable.

LawHelpNY

ASC is listed on the LawHelpNY web-site, last updated on December 6, 2017. Staff have been regularly using LawHelpNY to make referrals, which has been an effective and time-saving resource.

Technology and Other Innovations

ASC is fast-tracking the development of a Salesforce-based agency-wide case management system that will capture relevant demographic, process and outcome indicators in line with the GAR. To that end, we have submitted a proposal to secure $30,000 ($15,000 development and $15,000 annual maintenance cost) to build a custom database to meet the agency’s multiple reporting requirements. In the meantime, we are using podio.com to test the consolidation of all required outcome data. Currently, we are identifying key variables across programs, creating a codebook to standardize responses and cleaning legacy data imported from multiple databases (LawLogix, AIRS, E-Share) used by the city, state and federal funding sources and customizing the reporting capabilities within Podio. ASC’s legal department has recently started a process of transitioning to a new immigration case management software - LollyLaw that allows the team to track and manage all immigration cases from initiation to case closure and has a form-filling feature. ASC also built out software to accommodate the new centralized screening program and centralized volunteer management.
Advocacy Projects

ASC is currently working on challenging regulations redefining the term “public charge” that would bar a very large number of clients (including all HIV-positive clients) from pursuing immigration relief. "Public charge" is a legal determination that can block an individual's path to permanent residency (i.e., obtaining a green card). Under U.S. immigration law, a person seeking a green card through a family relationship must show that they "are not likely to become a public charge," which under current law is someone who is unable to support themselves and would likely depend on government benefits for income.

Historically, the Department of Homeland Security (DHS) has only excluded applicants based on continuous receipt of cash benefits or long-term institutionalization at the government’s expense, so as not to "inhibit access to non-cash benefits that serve important public interests." A draft of proposed changes to the law shows that the government is now seeking to redefine "public charge" to include mere "use" of any public subsidy, rather than "dependency." Otherwise eligible applicants would be unable to adjust their status to lawful permanent resident (i.e., green card holder) if they or their U.S. citizen family members access any subsidies from a range of government programs and benefits, including Supplemental Nutrition Assistance Program (SNAP); Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); housing and shelter benefits; and non-cash Temporary Assistance for Needy Families (TANF) benefits. This rule would essentially operate as a de facto ban on HIV-positive individuals seeking permanent residence in the U.S. Immigrants with disabilities or pre-existing medical conditions such as HIV/AIDS would be required to show proof of unsubsidized health insurance -- i.e., no Medicaid, ADAP, or Obamacare, thus creating a back door to a reinstatement of the HIV immigration ban.

ASC is leading an effort among legal services providers in the HIV community to contest these changes. ASC is collecting client stories that would show the effect of such regulation in anticipation of litigation when the rule goes into effect. ASC also prepared materials relating to Statutory and Legislative History on Public Charge in anticipation of litigation.
Pro Bono Volunteer Involvement

Facing an increased need for additional staffing and resources, ASC was able to successfully utilize various kinds of volunteer help who contributed a total of 3,503.8 hours. ASC engaged 21 attorney volunteers, 18 administrative volunteers, and 18 law student volunteers, including summer interns, an extern, and a pro bono scholar (33 law students in two years). ASC enjoyed a sharp increase in volunteers by developing a more structured volunteer program and a system to match students’ course requirements with the legal department needs.

ASC hosted a large number of undergraduate students that were taking a political science course. They were successfully partnered with the attorneys who needed help with research and translations. ASC also worked with a large number of students from Columbia Law School (“CLS”) who were looking to fulfill their 200 CLS and 50 NY Bar requirement and who helped our team immensely with substantive work during a period of substantial staff turnover and increased volume of work. ASC hosted 4 summer interns, an extern from Brooklyn Law School and a Pro Bono Scholar, providing them with a series of trainings and effective mentorship to ensure a successful and mutually beneficial experience. ASC has also recently become an approved host organization for the Attorney Emeritus Program through and successfully worked with one Attorney Emeritus Volunteer on a complex Motion to Reopen Case.

Pro Bono Statistics

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<thead>
<tr>
<th>Category</th>
<th>Volunteers</th>
<th>Hours</th>
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<tbody>
<tr>
<td>Attorneys</td>
<td>21</td>
<td>1,189</td>
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<tr>
<td>Law Students</td>
<td>18</td>
<td>1,939</td>
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<tr>
<td>Other Volunteers</td>
<td>18</td>
<td>375</td>
</tr>
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Sources Of Funding

- IOLA Grant: $50,000
- Foundations: $59,000
- State funding: $288,300
- Other: $775,409
- Total: $1,172,709