Overview of Achievements, 2018-2019

The HIV Law Project (HLP) has had several major achievements for the 2018 fiscal year. HLP served 199 low-income individuals throughout New York City who are living with HIV/AIDS. HLP closed 164 cases and 203 individuals benefitted from our critical legal services. HLP’s core legal services are in the areas of housing, and government benefits, including social security/SSI and immigration legal aid, three areas of urgency for our clients.

As a result of our immigration efforts, during the reporting period, HLP won two asylum cases that have positively impacted each client. In one case, a 43-year-old gay man from Jamaica. Had been homeless in his country for years and forced to live in an open sewer, the ‘Gully’. He was known to Jamaican police as being gay and had been thrown in jail innumerable times. He along with other LGBTQ youth, had been chased by police dogs, shot at with water cannons, and chased almost every day from the Gully by police. He was also repeatedly pelted with rocks, cursed and taunted, and shot at by members of the public for being gay. He fled to the United States years ago and was placed in removal proceedings. HLP changed his immigration court venue to New York City from Texas and represented him until his Asylum case was approved on August 28th, 2018. As an asylee in the U.S., the client will be able to continue to receive life-saving medical treatment. This also grants our client eligibility to receive rental assistance, through the HIV/AIDS Services Administration (HASA). In addition, we filed asylum applications for people fleeing persecution, preparing exhaustive supportive documentation, and providing guidance to our clients through the complex immigration maze.

HIV Law Project routinely assists clients in applying for a waiver of the filing fee for immigration benefit applications, as these fees would be prohibitive for our low-income clients. As a direct result of HLP efforts, our clients save an approximate total of $17,535 in immigration fees. We applied for work authorization, legal permanent residence and naturalization (United States citizenship) for our clients, among other immigration benefits.

Population Served: Low Income Population
Living with HIV/AIDS

Area Served: New York City Metropolitan Area

Total Funding: $778,000

Total IOLA Grant: $100,000

Staffing - Full Time Equivalents:
- Total Staff: 9.00
- Lawyers: 8.00
- Paralegals: 1.00
On October 29th, 2018, we took on the case of an Eritrean refugee who arrived in the US one year prior and needed to apply for permanent resident status for herself and her young daughter. The preliminary applicant is a 41-year-old woman who fled Eritrea after spending years in compulsory military service and being persecuted for practicing her sect of Christianity. From Eritrea, she escaped to Israel, where she spent several years living without formal resettlement and where her daughter, now nine years old, was born. The applicant’s primary language is Amharic, but she is also fluent in Hebrew; we were able to work together through the help of a Hebrew interpreter, a friend of the applicant who has helped her resettle in Brooklyn, NY (11220). We were able to achieve successful outcomes by filing her I-485 Application for Permanent Residence in November of 2018 along with a derivative application for her daughter. While completing the application, we had to resolve an issue in proving her daughter’s identity, as her birth certificate lists a different name from the name listed on her immigration documents. We also submitted the applications with a fee waiver, which was successfully granted. Their applications are still in process, and, therefore, service is ongoing.

HLP also successfully represented one of our clients in a hearing to secure retroactive Social Security Disability Insurance benefits. The client is living with HIV/AIDS and diabetes-related chronic foot ulcers, which are so severe, that the client is at significant risk of amputation. He has had several foot surgeries, and he requires constant medical attention, treatment, and procedures. His doctors have advised him that he must not bear weight and cannot work, lest he irremediably exacerbate his condition. Although, upon application, the Social Security Administration (SSA) determined the client to be disabled and awarded him benefits on an ongoing basis, HLP was able to show at a hearing that the SSA erred by not properly considering his disability in the one year prior to his application. Due to HLP’s work, the client will be awarded approximately $17,000 in retroactive benefits.
**Other Services...**

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

<table>
<thead>
<tr>
<th>Total</th>
<th>79 people</th>
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<tbody>
<tr>
<td>Pro Se Assistance</td>
<td>79 people</td>
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**Other Legal Related Services: Examples**

HIV Law Project provides pro se assistance and referrals through our general phone line. Once a caller identifies their legal issue, the details of their case are forwarded to an attorney. The assigned attorney will contact the caller and decide how they can best assist them. This involves providing basic legal (for example, the type of case to sue a landlord for failing to make repairs, or any benefit issues) and logistical information (for example, where the courthouse is), and information about more complex legal issues. The HIV Law Project's two-year contract goals for pro se assistance are 340 and 300 for referrals. As HIV Law Project experienced significant changes in our housing and immigration attorney composition last reporting period (the two legal areas that produce the majority of pro se and referrals), these metrics were negatively impacted as we integrated our new staff into our organization.

**Impact Cases**

The HIV Law Project, together with co-counsel Emery, Celli, Brinckerhoff & Abady, secured a landmark decision in this novel civil rights case involving HIV discrimination in surgery.

Mr. M has withstood the ravages of AIDS for 36 years. A side effect of his illness, and/or of the drugs that he takes to combat the illness, is that he suffers from gynecomastia, an inflammation of the breast tissues. When he sought corrective surgery, however, the defendants informed him that they do not conduct surgery on those living with HIV. Shocked and distraught at this blatant discrimination, Mr. M turned to HLP, which filed a lawsuit against defendants under the Americans with Disabilities Act (“ADA”) and the New York City Human Rights Law (“HRL”). Defendants then raised a novel defense: their refusal was not based upon HIV, they alleged, but upon a fear that the potent antiretroviral drugs (“ARVs”) that those living with HIV take would negatively interact with the specific sedatives they administer, posing a threat to the patient. Defendants never inquired as to Mr. M’s specific medications, however, and proffered no evidence that ARVs sweepingly pose a threat under sedation.

In the first decision of its kind, the federal district court of Manhattan ruled that defendants indeed discriminated against Mr. M, violating both the ADA and the HRL. Defendants impermissibly “screened” out all patients living with HIV without demonstrating a need for the sweeping exclusion, and they failed to provide reasonable accommodations that would have allowed Mr. M to secure the surgery, including utilizing an outside anesthesiologist to administer the sedative and monitor the surgery. In October 2018, a trial was conducted to determine the amount of compensatory damages to which Mr. M is entitled as a result of this discrimination. We await the decision of the court.
Trainings
During onboarding at HLP, all staff are required to participate in various training conversations. The topics consist of HIV Confidentiality, Cultural Competency, Introduction to HIV and various other topics relating to the care of our clients. In addition to these onboarding trainings, HLP staff are also required to take part in annual online compliance trainings. The goal of these trainings is to provide all agency staff, with all the tools and information necessary to provide useful and effective services to our clients.

Technology
Housing Works/HLP have made significant improvements with its IT security and management, which improved stability and access for staff and clients. As our IT department has been recently outsourced to Synoptek, the agency has been able to provide efficient and timely assistance in regard to IT related issues. With this implementation, users can not access sites that violate company policy, and if they inadvertently would start a malware application the software would take steps, alerting Synoptek, suppressing the activity, and deleting the application. Synoptek has been contracted to oversee all IT related functions for HLP, this includes; remote monitoring, patch testing and implementation, and event log analysis. The abovementioned improvements have been implemented for better efficiency and improving client access.
Other Services

Pro Bono Volunteer Involvement

Our organization has a robust summer intern program where law students get hands-on training in immigration, housing, and benefits case. They prepare applications for relief and court filings and accompany our attorneys at administrative hearings. Last year, three Law Students volunteered within the program from June 1, 2018 through August 2018. With additional help and assistance, the volunteers provided HLP with 553.75 billable hours, which helped greatly in our delivery performance, after the imminent staffing changes that began around that time. This helped increase our performance-based contracts and our programmatic efforts and HLP was better able to meet the needs of our clients.

Sources Of Funding

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<th>Source</th>
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<td>Iola Grant</td>
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