Overview of Achievements, 2020-2021

Despite having to stop unlimited walk-ins because of the COVID restrictions, the staff continued to provide individual consultations to new potential clients by telephone or online and prepare existing clients’ applications and documentation for court hearings or adjudicative interviews. We did some of this work virtually and other aspects in person, although only a very limited number of staff came in at any one time. We were able to staff phone lines all during this period which was an important source of comfort and guidance to clients. We processed applications for work authorization which in turn were critical to enable clients to seek unemployment benefits if needed. We also litigated four Petitions for Review in the Second Circuit Court of Appeals as well as 19 appeals to the Board of Immigration Appeals. In addition to keeping up with our large asylum caseload and related applications, the legal staff joined many national immigration advocates to submit detailed comments to Federal Register postings of many new, onerous rules affecting asylum seekers that came down in the last months of the Trump Administration.

Population Served: Low Income Immigrants and Refugees

Area Served: New York City Metropolitan and Surrounding Area

Total Funding: $2,688,972

Total IOLA Grant: $46,000

Staffing - Full Time Equivalents:

- Total Staff: 14.30
- Lawyers: 9.00
- Paralegals: 5.30
In June 2020, while our office was shutdown to walk-ins because of COVID, we continued to take on new clients by phone. US asylum law has strict rules about applying within one’s first year in the U.S. One such asylum hopeful was Camilo from Colombia. He had been a member of an anti-narcotics police unit involved in capturing a leader of a major drug-trafficking ring. As a result, there were two attempts to kill him while he was off-duty. Fearing for his own life and that of his wife and 3-year-old, the family fled to the U.S. They entered with visas but still had to file for asylum by June 2020 so CALA staff prepared their applications, translated their proof from Colombia and assured the deadline was met. Camilo will now be assured of a chance to present his case to an asylum officer and will be eligible for work authorization so he can support himself and his family while he awaits the outcome of his case. Sherly from Honduras contacted CALA also in June 2020 when we had a skeleton staff in house and everyone else working remotely. She fled Honduras in 2019 with her husband and their two children after she could no longer afford to pay extortion to the local Mara 18. She had reported the extortion to the police and even testified against the “mara” in court, something most Hondurans are afraid to do. She believes the Honduran government will not be able to protect her from retaliation. When she contacted us, she and her family were in removal proceedings for entering the U.S. without visas, scheduled for hearings in Houston, Texas. CALA prepared her asylum application, got it filed in time, and also arranged to have her case moved from Texas where it was venued, to New York City where the family lives now in Far Rockaway.
Trainings

Training for new staff depends on the staffer’s prior experience. In general, CALA does not hire staff right out of law school (the exception is for our Immigrant Justice Fellows but they are provided significant training by the IJC program before they start). For relatively new attorneys, we assign an in-house mentor and this person oversees all case preparation, interviews the client with the staffer and they co-counsel the hearing. We provide new staff with a list of significant federal caselaw to read, inhouse checklists for different types of cases, and familiarize them with the necessary statutes and Code of Federal Regulations and other legal rules and regulations that govern our work. All legal staff attend PLI trainings when available and our senior staff have been presenters for seven training seminars during this period. Giving courses in various aspects of our work is a good way for the legal staff to sharpen their own understanding. CALA attorneys gave seven hour long training presentations through this period: three for the NY Immigration Coalition on asylum related issues; one for the Practicing Law Institute on asylum; one for The Legal Aid Society (asylum litigation); one for a coalition called the Rapid response Legal Services Coalition on how to file a petition for review in federal court; and finally one staff presented at NY Law School’s conference on asylum law. CALA participates in a working group of immigration litigators that meets (in non-COVID times) at NYU Law School every other month to discuss current case law developments at the federal level. We participate in moot court arguments both for our own and others’ cases pending before the Second Circuit. CALA maintains a library of human rights reports and articles on the asylum-generating countries we deal with and new staff are asked to familiarize themselves with at least some of this large body of information. Because we are a relatively small office (12-14 people at any one time), consultations between new and more experienced staff are frequent and informal. We have also provided our para-legal staff the opportunity to attend immigration training programs officered by the N.Y. Immigration Coalition. Training for new paralegals is done one-on-one by managing attorneys or the director. CALA’s Board is made up in part by current and former immigration practitioners (one judge, two attorneys) so that training in immigration law is not necessary.

Technology

During COVID, most of the legal staff began using aspects of Google technology to talk with clients while out of the office, prepare and even sign documents so that filing deadlines could be met even while people could not come into the office. Similarly, staff meetings have been held weekly during COVID over Zoom.
**Impact Cases**

Hernandez-Chaon v Barr, 948 F.3d 94 (2nd Cir. 2020)

This case set an important precedent recognizing the political nature (and hence assuring asylum protection) of a woman’s refusal of sexual favors to gang members in countries where gang violence usurps state control. It strengthens the chances of thousands of women facing uncontrolled sexual violence in societies where the state cannot or does not protect its citizens from gang societal control.

**Significant Collaborations**

CALA attorneys collaborated with a number of human rights and immigrant rights groups in submitting an amicus brief in two cases that were before the U.S. Court of Appeals, 2d Circuit, this period:  
Manrique-Valejo v Barr which challenged an immigration judge’s rote reliance on State Department country conditions, ignoring contrary evidence, and  
Scarlett v Barr, where amicus addressed the important issue of when asylum should be available to victims of violence by nonstate actors. In addition, CALA held two virtual sessions for all local attorneys or accredited representatives doing asylum work to strategize, compare notes on outcomes, and share new caselaw developments. CALA began holding these asylum working group sessions several years ago in response to the many phone calls and emails our staff were receiving for help from newer practitioners and/or attorneys working in programs that lacked experience in asylum litigation. Even though the immigration courts remained closed for all but detained cases, the federal courts were more active than usual this past grant period in issuing decisions. CALA attorneys also participate in the Second Circuit Working Group, hosted by NYU law school, for all practitioners of immigration cases in the federal circuit. These meetings are held about every two months and CALA has remained an active participant. CALA is also an active member of what we call the ICARE coalition. This is a group of five NYC legal service providers that help unaccompanied children and families, funded by the NYC City Council. We meet regularly, share best practices and refer cases within the coalition as some of us focus on asylum cases (CALA, Legal Aid) while others do mostly family court petitions (Safe Passage, KIND).
Pro Bono Volunteer Involvement

For many years, CALA has been a placement for college students in Bard’s Globalization & International Affairs program, normally an in city residential internship program (not at present due to COVID). We had one Bard intern this past summer. We typically have one each semester. There are students who are bilingual with an interest in political science and international affairs. They work almost a full work week at CALA and attend lectures and seminars evenings. We include them in all staff meetings, they work closely with one of the attorneys in researching and translating documents to prove up asylum claims, and we try to make sure they attend at least one full hearing. We have one asylum case placed with a private pro bono law firm. Because these cases require Spanish fluency and often have a quick turn-around, it is not practical to rely on pro bono help for most of our caseload. We select cases where the legal basis for asylum is clear and where the client is able to deal with working through interpreters.

Pro Bono Statistics

Attorneys: 1 Volunteer 40 Hours

Sources Of Funding

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>IOLA Grant</td>
<td>$46,000</td>
</tr>
<tr>
<td>Foundations</td>
<td>$202,500</td>
</tr>
<tr>
<td>State Funding</td>
<td>$67,849</td>
</tr>
<tr>
<td>Other</td>
<td>$2,372,623</td>
</tr>
<tr>
<td>Total</td>
<td>$2,688,972</td>
</tr>
</tbody>
</table>