Overview of Achievements, 2020-2021

In a year defined by overwhelming hardship experienced by both clients and service providers alike, Make the Road New York’s (MRNY) legal department rose to the occasion to continue providing legal services that proved to be more critical than ever. Our offices in Brooklyn, Queens, Staten Island, Westchester County and Suffolk County went fully remote, and we adapted our service delivery to the new reality that COVID-19 ushered in. While working under this pandemic to meet changing community demands, our team closed 8,575 direct cases, benefitting 18,118 people. While still an impactful number, we anticipated what was a decrease from the year before. With courts closed or operating at significantly reduced capacity, cases across our practice areas moved slowly and the need for advice and counsel in lieu of direct representation increased.

This past year presented particularly challenging moments for our immigration practice, as the Trump administration continued to place obstacles in the adjudication of cases, followed by a frenzied transition to a new federal government. This past year, we closed 2,457 cases, a decrease from the year prior which reflects the slow-moving nature of these cases, especially during the pandemic; the uncertainty of Trump’s last year directing immigration policy; as well as COVID’s financial impact on families and their desire to seek assistance for more costly, affirmative applications such as naturalization and family-based petitions.

Despite our overall decrease in cases, our employment practice saw a significant increase in cases, reflecting the urgency of employment issues during the pandemic. We closed 467 cases benefitting 1,342 people. During this period, the legal landscape for workers was frequently changing as laws were passed at the federal, state, and local levels in response to COVID-19.

Our housing practice was kept on its toes, staying up to date on every new directive from the courts regarding the status of the eviction moratorium and responding as a huge percentage of renters became unable to pay their rent and faced new forms of harassment from landlords. Our housing practice remained relatively steady compared to the prior year, and despite no cases moving forward in court: we closed 346 cases, benefitting 1,019 people, with a huge increase in non-litigation advocacy cases.

Our team embarked on an awesome community education effort, leading a large number of webinars to train the community on the most updated housing information.

Population Served: Low Income Immigrant and Families

Area Served: New York City Metropolitan Area

Total Funding: $7,645,061

Total IOLA Grant: $312,500

Staffing - Full Time Equivalents:

- Total Staff: 73.12
- Lawyers: 24.95
- Paralegals: 31.61
- Others: 16.56
A teenager when he first arrived, Mr. Z has resided in the U.S. for nearly 20 years. He lacked formal immigration status during that time, but he built an entire life in this country. His wife of nearly 10 years is a U.S. citizen, and they have two young daughters who were also born here. Most of Mr. Z’s family lives in a close-knit community and are U.S. citizens or lawful permanent residents, including his father, stepmother, sisters, brother, father-in-law, and brothers-in-law.

In 2018, Mr. Z was arrested by Immigration and Customs Enforcement (“ICE”). At the time, his wife was in the first trimester of a high-risk pregnancy with their second child. Mr. Z spent the next two years in detention, missing his youngest daughter’s birth. While detained, the Immigration Judge (“IJ”) granted Mr. Z’s application for cancellation of removal for nonpermanent residents, finding that his wife and daughters would suffer exceptional and extremely unusual hardship if he were deported due, in part, to their serious medical conditions. In effect, Mr. Z was finally on the verge of obtaining immigration status. But the government appealed, and the Board of Immigration Appeals (“BIA”) reversed the IJ’s decision in late 2019, concluding that his wife and children would not suffer the required level of hardship if he were deported.

This is when our office first met Mr. Z, while he was still detained by ICE and on the brink of being deported. With little time to spare, our immigration team formulated a strategy to appeal Mr. Z’s case to the Second Circuit and to ultimately secure his release from detention. Ultimately, after advocacy with the local ICE office regarding the deteriorating conditions around COVID-19 in Mr. Z’s detention center, he was finally released.

But Mr. Z’s ordeal was not over. Later in 2020, the Second Circuit ruled on Mr. Z’s appeal and upheld the BIA’s decision, even though he was no longer detained. Our immigration team continued to work with Mr. Z and his family to explore additional options. Our team gathered additional evidence concerning Mr. Z’s mental health, his wife’s medical condition, and why, according to medical experts, it made her particularly vulnerable to serious complications from COVID-19. Thanks to these efforts, by the end of 2020, Mr. Z had a meritorious motion to reopen with the Board of Immigration Appeals--even though a year earlier he was detained and on the cusp of deportation.
MRNY’s legal services are inclusive of more than just direct casework -- we are committed to empowering our client community with the necessary tools they need to advocate for themselves and navigate often confusing and challenging systems. A central piece of the other legal services we provide is Know Your Rights (KYR) trainings (“talleres”) on the laws as they exist and important changes that might be taking place. This work has been even more important during COVID-19, as we have increased our presence delivering KYR education and trainings via online platforms to connect with clients. Over the course of the past year, we have provided a significant amount of these remote KYR sessions, covering critical topics such as unemployment eligibility, breaking updates regarding the state’s eviction moratorium, and timely immigration information around the DACA program and the potential changes to various application fees for naturalization and other forms of relief. We set out to reach 15,000 in real-time engagement this year with our efforts, and while we count 6,683 who connected with our community education in real-time, we have already overwhelmingly exceeded that goal in total views (which includes those who have watched the content after the fact).

In response to the pandemic and our need to move our offerings to the virtual space, we are delivering KYR trainings and other information sessions on platforms such as Facebook Live and Zoom, which allow us to reach many more individuals than we otherwise would; one of the silver linings of this pandemic and a result of having to shift our service delivery model. Clients can go back and watch offerings that are recorded, allowing us to reach even deeper into our client communities, and providing an opportunity to track the number of total views.

And as we have reported in years past, there are a number of other kinds of “extra legal” support our team provides, for which we are not able to officially report, but which represents our desire to respond to holistic client needs. We assist clients with questions and information related to criminal legal system concerns; we assist our limited English proficient clients with translation or other document analysis unrelated to the case we might be working on; and always try to provide the kinds of support you might expect from a community center, such as notarizing documents and ensuring that clients are aware of and are connected to the other services our organization provides. We value our ability to serve the entire client, even during COVID-19, and these efforts further our embodiment of that value.
In addition to the devastation wrought by the pandemic on members of our community in the last 12 months, many of them faced the prospect of detrimental regulatory changes in the immigration field. These proposed changes included issues like changes to the process for reviewing administrative appeals in removal cases, which would have sacrificed due process rights in exchange for more “efficiency”; or a proposed increase (up to 800%) in filing fees associated with applications for relief against deportation and appeals, among numerous other changes. Our legal department worked with clients and members to elevate how these proposed changes would have impacted them and their families. We also worked with partners to develop formal responses to these regulatory changes, often on short notice because the government often imposed a 30-day response period (rather than the typical 60 days). Thanks in large part to these efforts and those of our partners around the country, many of these regulations were flagged as problematic for the new administration or were subjected to litigation.

More recently, in the first two months of the new administration, our team has been working with partners to educate key stakeholders as well as community members on potential legislation that could bring positive reforms to our immigration system. We have held KYR sessions and other meetings to discuss key concepts around new immigration legalization proposals, including the U.S. Citizenship Act of 2021; the Essential Workers Act of 2021, which our legal team helped draft with other partners and allies; and the Dream and Promise Act of 2021. Likewise, our team has created one-pagers on these topics and other administrative changes, including the recently announced designation of Venezuela as a country whose citizens may qualify for Temporary Protected Status.

The COVID-19 crisis has had an especially catastrophic effect on New York’s working class immigrant communities. Undocumented workers, formerly incarcerated, and workers in the informal economy, like street vendors, were completely excluded from the basic social safety net programs providing relief during the pandemic including Unemployment Insurance, Pandemic Unemployment Assistance and federal stimulus payments, despite doing the essential work that has sustained our state. The legal department worked with clients to elevate their stories and demand relief for excluded workers and played a leading role in the campaign for a Fund for Excluded Workers to provide cash assistance to low-wage workers. Our legal team provided critical drafting support to the campaign, including writing sections of the bill introduced in the 2020 legislative session and leading the bill revision process.
MRNY works collaboratively with partners across geographies and practice areas, and frequently takes a leadership role in those collaborations. The list below demonstrates our key involvement:

- MRNY is on the steering committee of the *We Are Home* campaign, a national coalition of organizations focused on advocating for key reforms to our immigration laws.

- MRNY is on the steering committee of Moving Towards Justice (MTJ), a national coalition of organizations working to develop a new legal framework for our immigration system.

- MRNY is a member of the New York Legal Services Coalition (NYLSC), and joined the Campaign Steering Committee this past year, advocating for critical resources from the state government to the legal services provider community.

- MRNY continues to partner with the Immigration Advocates Network on the development of *Reclamo*, an online tool to screen for wage theft and submit a claim for unpaid wages to NYS Department of Labor.

- MRNY participates in the Low Wage Workers Task Force, a group of civil attorneys from nonprofit legal services organizations and private firms who work on issues affecting low wage workers throughout the New York City area.

- MRNY led the Fund Excluded Workers coalition of dozens of organizations across the state including the Worker Justice Center of New York, New York Immigration Coalition, Desis Rising Up and Moving, Street Vendor Project, among others, to pass a bill establishing a $2.1 billion Excluded Workers Fund to provide income relief to workers who lost income during the COVID-19 pandemic and were excluded from other government relief.

- MRNY is a member of the LEAP collaborative, a group of eighteen legal service providers working collaboratively to increase the availability and quality of civil legal services for low-income persons in NYC. Together with a majority of LEAP organizations, MRNY is also a part of the LEAP Anti-Harassment Tenant Displacement Project, working in concert to prevent tenant harassment and subsequent evictions.

- MRNY is a member of the Citywide Immigrant Legal Empowerment Collaborative, or CILEC, which provides both immigration and employment legal services for NYC immigrant communities. Other legal providers include: Urban Justice Center, TakeRoot Justice, Catholic Migration Services, and Catholic Charities of New York.

- MRNY co-leads the Hudson Valley Nonprofit Immigration Providers Network, which meets quarterly to discuss developments in immigration law, best practices, and regional developments.

- MRNY is a founding member of the Rapid Response Legal Collaborative (RRLC) along with NYLAG and Unlocal, providing critical legal support to immigrant New Yorkers at risk of detention and deportation.

- MRNY is a coordinating member of the *Housing Justice for All* campaign led by the Upstate Downstate Housing Alliance, a diverse coalition of tenants, homeless people, manufactured housing residents, and advocates fighting for stronger tenant protections, and an end to evictions.

- MRNY co-leads the *Coverage for All* campaign to expand health insurance coverage to everyone in NYS regardless of immigration status.

- MRNY participates on the steering committee for the Health Care for All New York.
Impact Cases

Below is a non-exhaustive list of Make the Road’s Impact casework:

**Batalla Vidal v. Wolf** -- see narrative below, impact on class of 1 million people.

**MRNY v. Cuccinelli:** Participating as lead organizational plaintiff to challenge DHS public charge rule, which was ultimately halted nationwide as of March 9, 2021, with estimated impact since filing on 342,776 green card applicants.

**MRNY v. Pompeo:** Participating as lead organizational plaintiff, this companion case to Cuccinelli challenges DOS public charge rule which was enjoined in July 2020, with an estimated impact since filing on 115,996 green card applicants.

**MRNY v. McAleenan:** Participating as a lead organizational plaintiff, this case challenges the Trump Administration’s expansion of expedited removal, was successful in holding off implementation of the new, potentially devastating rule through the end of the Trump Administration, with an estimated impact on 3,000 individuals.

**Doe v. ICE:** MRNY’s challenge to ICE’s policy of detaining people at New York State courthouses, impacting 500 individuals annually.

Continue to monitor a civil damages lawsuit against two Manhattan-based immigration providers who misled and defrauded 33 individual plaintiffs.

Represent 5 households in an ongoing HP case in Housing Court.

Represent 5 households in a pending landlord’s appeal challenging rent-stabilization status.

Represents 3 households in an ongoing HP proceeding.

Represent 12 households in an administrative challenge to the landlord’s application to DHCR for rent increases for alleged major capital improvements.

Represent 5 households in an administrative challenge to the landlord’s application to DHCR claiming the building is not rent-stabilized.

Represent 4 households in an ongoing HP proceeding in Housing Court.

Represent 3 households in a 7A proceeding and obtained a court-appointed administrator, who is actively renovating the building to correct extreme conditions.

Represent 5 families in an HP proceeding and DHCR reduction of services complaints.

Represent 7 clients (four warehouse workers and three members of their households) in public nuisance litigation against an employer in federal court.

Represent 9 restaurant workers in action in federal court to recover unpaid wages.

Represent 18 electrical workers in collective action in federal court to recover unpaid wages

Represent 8 electrical workers in pre-litigation settlement negotiations to recover unpaid overtime wages and liquidated damages for retaliation

Represent 4 individuals before the NYC Commission on Human Rights in their public accommodation and discrimination based on national origin claims

Represent 5 construction workers to recover unpaid wages before the NYSDOL.

Filed administrative complaints with NYSDOL for unpaid wages on behalf of 8 cleaners.

Filed WARN Act complaint with the NYSDOL on behalf of 5 workers.

Representing 11 construction workers for wage violations before the NYSDOL.

Class action originally on behalf of 9 workers settled for $75,000, we continue to monitor payments

NLRB case and subsequent bankruptcy case to recover unpaid wages and back pay on behalf of 5 delivery drivers fired for striking, in violation of federal labor law.

Recovery of unpaid wages on behalf of 3 workers before NYSDOL
Providing and encouraging professional development opportunities are a critical part of our approach to delivering exceptional legal services and investing in our staff. New staff engage in substantive onboarding of subject matter and organizational training. We provide unlimited access to the Practising Law Institute for all members of the legal department, including paralegals, and take full advantage of the trainings that are offered via the many coalition spaces we engage in. As an organization, we continue to develop the skills of our supervisors, and all supervisors, whether staff attorney or supervising paralegals, are expected to attend quarterly supervision trainings. This year, we offered advanced supervision training to new supervisors on our legal team through the Management Center.

We’ve also continued to build out the infrastructure of our org-wide Diversity, Equity and Inclusion (DEI) work, analyzing our approach to organizing and service delivery through racial lens and tackling anti-Blackness in our work, and we have offered various org-wide trainings on related topics. And of course within our practice areas, we’ve recognized the need to keep our staff up to date on the shifting practice trends of this past year, especially in the immigration space.

Lastly, we engaged with the Movement Law Lab and encouraged participation in their multi-week training on movement lawyering, and we look forward to working with them in the coming year to deepen our understanding of how lawyers can best support movements on the ground.

The list below reflects some significant trainings our legal team has participated in during the grant period.

- Filing Petitions for Review in the Federal Circuit Courts (members of the immigration team and partner organizations, ~35+ attendees)
- Crimes and Immigration Seminar by the Immigrant Defense Project and National Immigration Project of the National Lawyers Guild (15 members of the immigration team)
- MRNY Training on New 2021 ICE Enforcement Priorities (15 members of the immigration team)
- Diversity Equity and Inclusion Series: 1) Black Lives Matter; 2) Intersectionality, Identity and Anti-Blackness in our Movement (staff-wide, 200+ attendees)
- Sexual harassment in the workplace (staff-wide, 200+ attendees)
- Ethics and Community Based Legal Services (30 attendees)
- NLG Legal Observer Training (10 attendees)
- Build Power, Fight Power: A 5-Part Course on Movement Lawyering (7 attendees)
Pro Bono Volunteer Involvement

MRNY has leveraged support from partnerships with private pro bono attorneys, law students and other volunteers to expand our capacity to serve the community. During the 2020-21 grant period, MRNY secured pro bono assistance from 69 volunteer attorneys at partner law firms and engaged their support on dozens of matters. In one significant victory, we partnered with Paul Weiss Rifkind, Wharton & Garrison LLP, in *Flores v. Town of Islip*, to challenge the at-large voting structure of the Town of Islip which violated Section 2 of the Voting Rights Act and prevented Latinx communities from representation and denied them governmental services. In October, a federal court approved a historic settlement replacing the voting structure with single member districts, which must include at least one majority-Latinx district centered in Brentwood.

We also deepened our partnerships with firms to provide critical legal research in support of our individual casework. For example, Simpson Thacher & Bartlett LLP conducted complex and time-consuming research on country conditions in support of asylum petitions on behalf of our immigration clients. Skadden, Arps, Slate, Meagher & Flom and Shearman & Sterling partnered on research to support our workplace justice legal team on projects focusing on domestic workers and commercial cleaners.

We engage with pro bono partners to build relationships and increase capacity on our team. We secured experts at partner law firms to conduct trainings for our legal team on best practices and recent developments in the law. For example, an ethics expert trained our legal department on key issues that come up in our direct services practice. A partner at a boutique plaintiff-side employment firm, Getman, Sweeney & Dunn, trained our workplace justice legal team on special considerations when representing groups of workers, and another firm facilitated a training on bringing class and collective actions. Our team and resulting practice on behalf of our clients benefits tremendously learning from experienced practitioners and seasoned litigation professionals.

MRNY benefited from additional support from law school interns and other volunteers during the summer and throughout the academic year. During the summer of 2020, we hosted a class of 13 legal interns remotely who each worked with one of the teams in our practice areas under direct supervision of attorneys to conduct client intake, legal research, and policy analysis. We are also a placement site for the state's Pro Bono Scholars program, and we hosted an NYU Law student during the spring semester 2020 on our housing team. We also work with Northeastern Law School as a placement site for their legal co-op program, and hosted an intern this past winter quarter on our housing team. Because of COVID and the switch to remote work, we stopped utilizing volunteers in some areas, such as our naturalization work, where we otherwise would have volunteers, but MRNY continues to have a strong volunteer network and looks forward to presenting new volunteer opportunities as we emerge from this pandemic.

### Pro Bono Statistics

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<th>Attorneys</th>
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### Sources Of Funding

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<tr>
<th>Source</th>
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<td>City &amp; County Funding</td>
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