Overview of Achievements, 2018-2019

Central American Legal Assistance (herein “CALA”) continued to litigate to affirm protection for victims of persecution, including winning two new cases in the U.S. Court of Appeals. See Rivas Aparicio v Whitaker, No.17-1107, dec’d. Jan. 31, 2019 and Sanchez Ponce v Whitaker, No.17-579, dec’d. Nov. 30, 2018. (The Second Circuit now only issues summary opinions in most asylum cases.)

In each of these cases, both the Immigration Judge and the Board of Immigration Appeals had taken a too narrow view of what constitutes persecution. Because many asylum seekers are fleeing violence from criminal gangs, the Government always argues that this violence is not politically motivated and thus there is no protection for its victims. CALA argues that where a state cannot protect its citizens and where its security forces are corrupt, the non-state actors become, in effect, the state and the victims can and should be protected. These two cases help advance that argument as part of federal case law. In addition, CALA attorneys and Dept. of Justice accredited representatives appeared in NYC immigration court almost every day of the report period, winning over 150 asylum cases for both families and single adults. In addition to our busy litigation calendar, we continued to offer free, unscheduled walk-ins consultations for Latin American immigrants and to do hundreds of more routine applications for DACA, adjustment of status, and other benefits.

Toward the second half of this report period we began to see many more asylum seekers from Venezuela and Nicaragua as the political situation in those two countries became more violent and dangerous for activists. CALA staff were able to quickly get up to speed on the actors and elements of persecution to begin helping this new population of asylum seekers.

Population Served: Low Income Immigrants and Refugees

Area Served: New York City Metropolitan and Surrounding Area

Total Funding: $954,972.00

Total IOLA Grant: $67,500

Staffing - Full Time Equivalents:
- Total Staff: 12.50
- Lawyers: 6.00
- Paralegals: 3.00
- Other: 3.50
Lydia is a trans-gender person from El Salvador. She had suffered grievous harm in her native country because of her gender non-conformity. She fled El Salvador, crossed through Mexico, and surrendered herself at the U.S. border. She then moved to New York where she found CALA. CALA prepared and documented her asylum application. The night before her court hearing, Lydia, who was living in Riverhead, called her CALA attorney to say she did not have the money for transportation to the city. Her attorney and another CALA staff member remembered there was a way to buy a Long Island train ticket online to be picked up at the station. They did this late that evening and then arranged for her to be picked up by an UBER car the next morning to make sure she got to court on time. After initially sleeping through the UBER pick-up, she finally made it to court an hour late but in enough time to avoid a removal order. Her asylum case remains pending.

Carlos is a Mexican who was kidnapped by Los Zetas. He had no intention to come to this country until he was kidnapped by Los Zetas, a Mexican narco-criminal group of former Mexican military who hold immigrants for ransom and deal in drug and human trafficking. Carlos was forced at gunpoint to drive members of the band from place to place always under threat of death if he disobeyed or tried to escape. Finally one night he managed to free himself and fled to the U.S. where he passed a “credible fear” interview at the border and was released to seek asylum. CALA has had other cases involving Los Zetas so we could easily understand Carlos’s fear. CALA presented his case before a NYC Immigration Judge who, after hearing all the evidence, indicated she was inclined to grant him protection. The Government objected claiming he had “worked” for Los Zetas and was therefore ineligible for protection. While awaiting the Judge’s final decision (a lapse of a couple of weeks), the federal government sent ICE agents to Carlos’s home in the wee hours of the morning to re-arrest and detain him. He was taken to New Jersey’s Hudson County jail where NY ICE keeps its detainees. Terrified he was about to be deported, his relatives called his CALA attorney. Because there was no new or legitimate reason to detain Carlos (who had been released under supervision by ICE at the border), CALA’s attorney filed a habeas corpus petition in U.S. District Court. The U.S. Attorney’s office agreed to release Carlos from jail and the Judge subsequently granted him asylum. The Government is appealing but Carlos is free to live here and work while we continue to defend his case.
Other Services

Trainings

Because CALA’s legal staff is one of the most experienced in New York, we are typically the trainers. Our junior staff are invited to attend trainings we give at other organizations. In addition, one of our senior staff attorneys teaches immigration law at New York Law School and our paralegals have attended classes there. CALA holds bi-monthly staff meetings at which we go over new BIA decision, new federal court decisions and discuss difficult or new legal issues we have encountered in our practice. All case-handling staff attend these meetings.

CALA’s board is made up of four lawyers and four laymen so group training is not appropriate in that the lawyers are very conversant in immigration legal issues while the lay members not so much. CALA joined the Lawyers Alliance this past grant period for help in revising our by-laws and a few issues of corporate governance. So far that is still a work in progress.

Significant Collaborations

CALA is a member of ICARE, a NYC funded coalition of organizations representing unaccompanied children and adults with children facing removal proceedings in NYC courts. Some of the groups specialize in Family Court representation (custody findings to support juvenile visa petitions) while others like CALA specialize in asylum litigation in immigration court. In any one case, both roads to legal status may be available. By sharing information, funding and strategy we can avoid duplication and strengthen the overall services to a very vulnerable population (and the population most in the cross-hairs of the Trump administration.) Through ICARE, CALA helped Catholic Charities when its program for children in government custody was overwhelmed.

CALA is also a member of the N.Y. Immigration Coalition and CALA attorneys often serve as volunteer trainers at NYIC educational workshops for new attorneys and paralegals.

CALA’s director is a member of the National Lawyers Guild Immigration Rights Project which has a national list serve where attorneys active in removal defense share and exchange information and assist one another.
Pro Bono Volunteer Involvement

CALA is very fortunate to be a placement for college students from Bard College’s Globalization and International Affairs program. These students work at CALA 32 hours a week and then attend seminars in global studies issues. The students are typically highly motivated, already interested in political science and foreign affairs and the ones we receive all speak Spanish. Many have become CALA paralegals upon graduation. This Bard College-CALA collaboration goes back over ten years. We always welcome summer law student interns although we only have physical space for two. We alternate between law interns and college interns for the summer. CALA is also fortunate in having academic, medical and other professionals who volunteer to help with translations, medical and psychological evaluations and country condition information. Because Spanish fluency is needed for removal defense, we seldom use pro bono attorneys. This past grant period, we had two pro bono attorneys assist on two matters, one involving a case before the Second Circuit and one in Family Court.

Pro Bono Statistics

Attorneys: 2 Volunteers 40 Hours
Other Volunteers: 4 Volunteers 1,880 Hours

Sources Of Funding

Iola Grant: $67,500
Foundations: $194,971
State Funding: $75,388
Other: $671,113
Total: $954,972