Overview of Achievements

Safe Passage Project’s mission is to ensure that every child in New York who is eligible for substantive immigration relief receives high-quality legal representation. We believe no child should face the immigration process alone.

Over the course of this grant we:
- Screened 353 children;
- Opened 179 new cases for full representation;
- Closed 102 cases successfully (cases where our client has a path to citizenship via asylum, Special Immigrant Juvenile Status, U-Visa, T-Visa, or green card):

We work with unaccompanied refugee children under 21, in New York City and on Long Island. While the young people we work with typically come from Guatemala, Honduras, and El Salvador, we serve children from all over the world who traveled to the United States seeking refuge and are now living with an adult “sponsor.” The children we serve include children who are homeless, who are fleeing gang violence, who identify as LGBTQ+, and who are survivors of gender-based violence.

Securing legal status for our clients puts young people on a path to citizenship and makes them legally eligible for benefits including state-based college tuition, health insurance, and social security. Since our start in 2013, Safe Passage Project has grown rapidly and expanded our capacity to take on new clients every year since.

Despite the challenges of Covid-19 and remote work, we quickly transitioned to virtual services and screened 348 children over the course of the grant via Zoom. Our attorneys also continued to represent the over 1,000 clients we already represent, even as court rules and immigration policy changes daily.

Population Served: Children Facing Deportation

Area Served: New York City Metropolitan and Surrounding Area

Total IOLA Grant: $110,000

Staffing Full Time Equivalents:
- Total Staff: 37
- Lawyers: 23
- Paralegals: 6
- Other: 8
Direct Legal Services: Cases

Mario grew up in a small town in Guatemala. From a young age, Mario was forced to drop out of school and work on a farm. Then, at age 14, he moved from Guatemala to Mexico to work as a seasonal farm laborer. Mario was sexually abused by multiple people during this time. Finally, he escaped the child labor and abuse and came to the United States, where he reunited with his older sister in Queens in 2014. Safe Passage Project met Mario in immigration court, where he was facing deportation, and quickly assigned him an attorney and a social worker.

Mario’s lawyer began working on his case right away. Because of a variety of illegal policies employed by the Trump Administration, Mario’s legal team had to appeal various denials of elements of his case along the way. Mario also suffered from the trauma he experienced, and needed multiple social work interventions.

Finally, in September 2021, Mario finally received his green card. He is doing great and is thrilled to have the stability that legal status brings.
Direct Legal Services: Cases

Sara was a young woman who had traveled to the U.S. for a better life and was ultimately subjected to trafficking and forced labor by her relatives after arriving here. Safe Passage Project and her pro bono attorney was able to secure her a T visa, for victims of trafficking, in 2015. In 2017, Sara was able to convert her status into T derivative visas for her mother, Ericka, and her brother, Carlos.

Unfortunately, Sara was diagnosed with cancer and began a years-long battle, as the Safe Passage legal and social work teams continued to support the family. Sara’s dying wish was to assist her family in their applications for permanent residency (“green cards”). Through truly heroic efforts by her pro bono attorney, all three I-485 applications were successfully filed mere weeks prior to Sara’s passing in 2019. In 2020, Carlos’s permanent residency was approved, but Ericka’s application was improperly denied. In March 2021, Safe Passage Project supported their pro bono attorney in filing the appeal with the USCIS Administrative Appeals Office. In December 2021, Ericka’s I-485 was finally approved, providing this family closure on their cases and the permanent protections that Sara hoped for.

Other Services: Overview

Over this grant period, Safe Passage Project conducted several Community Legal Education Trainings, and trained a total of 89 community members.

On April 8, 2021, we conducted a webinar training for the NY Department of Children and Youth Services, Runaway & Homeless Youth Services. There were 34 attendees.

On October 7, 2021: Brooklyn Public Library, Safe Passage moderated a youth-focused webinar on the phrase “illegal alien” and the social products of language. 40 people attended.

On January 28, 2022, Safe Passage made a web-based presentation to Bronx Delegation of the State Assembly. 15 people attended.

89 People Benefitted by Services Other Than Direct Legal Representation
Other Services: Technology and Other Innovations

Covid-19 allowed us to explore in depth the use of technology in the legal representation of immigrant youth. From our screenings, which are now conducted seamlessly on Zoom, to our trainings, which have taken place on Zoom or recorded by video, to virtual hearings in immigration and family courts, Safe Passage Project has embraced the use of technology as a tool to help us reach more clients. We are able to recruit pro bono attorneys to take cases in locations that they would not ordinarily consider, because the hearings are remote (for example, a NY-admitted attorney who lives in New Jersey might hesitate to take the case of a client who lives on Long Island, but using technology to facilitate the representation, this placement is feasible). In addition, though we initially feared the effect technology would have on the attorney-client relationship, we are learning that in many cases it is a boon: clients no longer have to leave school early (and their caretakers do not have to take off work) to attend attorney-client meetings. Clients may actually feel more comfortable talking about difficult experiences from their home, rather than in an unfamiliar law office. Our staff is careful to ask the clients’ preferences in terms of meeting space, but overwhelmingly, clients have preferred the use of technology to facilitate representation.

As we institute a post-Covid work plan, Safe Passage has technology and capital improvement needs. Specifically, we need to purchase a fleet of updated laptops and cell phones. We are also contracting with an independent IT contractor to ensure that our document storage systems are up to date. Finally, we will invest in a new data management system for communications and fundraising with our 2,000-person stakeholder community. Given the reduced in-office technology needs of the last two years, it is time to improve and expand our technological infrastructure.

We continue to utilize a Salesforce-based data management system, which allows us to track hundreds of data points in each case. This helps us analyze the efficiency of our work while eliminating bottlenecks.

Other Services: Trainings

Safe Passage Project staff and volunteers regularly participate in legal trainings sponsored by Safe Passage Project and partner organizations. These courses allow our attorneys to build their skills in areas of immigration most relevant to their cases. In 2021, we participated in 12 trainings and taught 1,049 individuals. So far in 2022, we have already trained 1,694 people. Of particular importance is the annual New York Asylum and Immigration Law Conference, which is co-sponsored by the Federal Bar Association and Safe Passage Project. This conference attracts high-level participants from all over the country to discuss the latest in immigration developments, best practices, and ethical considerations in immigration law.
Other Services: Trainings

Over the grant period, Safe Passage edited and updated three comprehensive manuals on Special Immigrant Juvenile Status, Asylum, and Removal Proceedings (available here). We regularly update and distribute these manuals nationally to assist both our own pro bono attorneys and the private bar.

In addition to the trainings that Safe Passage designs and sponsors, we believe in the value of our staff engaging in professional development opportunities. In order to encourage staff development, all full-time staff members are afforded an annual allotment of $500 to pay for professional development such as workshops, conferences, relevant books, and other training including online classes. Over the course of this grant, staff chose to use their professional development allotments in a variety of ways – from the 2019 AILA Asylum Conference, to attending training sessions on Salesforce, to trainings from the National Institute of Trial Advocacy, to workshops on advancing racial justice.

Finally, within a few weeks of their start date, all staff attend a training session held by the Management Center, an organization dedicated to effective management for social change organizations.

Impact Cases

Ms. L v. ICE:
Safe Passage Project is involved in the ongoing litigation, Ms. L v. ICE, by sitting on a steering committee representing the interests of separated children. Together with others on the steering committee, we filed motions to enforce the original order against the government and have participated in ongoing discussions about the litigation, including how to facilitate information-sharing between the government and separated families, and who “counts” as a member of the class action in the Ms. L lawsuit. We continue to be involved in discussions between the government and Ms. L’s counsel to ensure that the rights of children are considered as settlement negotiations proceed.

Joshua M. v. Barr:
In February 2019, a Safe Passage Project client “Joshua M.”, a young man with a pending I-360 Petition for Special Immigrant Juvenile Status (SIJS), was pulled over for speeding and driving without a license in Virginia. He paid a fine, but was transferred to ICE custody. He was denied bond after an immigration judge deemed him a “danger to the community,” and denied his asylum claim in a rushed trial. The immigration judge did not consider Joshua’s pending SIJS claim, and order him removed from the country.
Impact Cases

Safe Passage convinced USCIS to issue an expedited decision on the SIJS petition, which was approved. We immediately filed a motion to reopen his removal case, which the same immigration judge promptly denied. We appealed to the BIA, and simultaneously filed a habeas petition in federal court, arguing that Joshua has a constitutional right to due process, and that removing him from the country when he’s been designated a Special Immigrant Juvenile would violate those rights. Safe Passage argued the case before the District Court for the Eastern District of Virginia in December 2010. In February 2020, the Court found that it had jurisdiction and denied the government’s Motion to Dismiss. Safe Passage Project celebrated as Joshua was released after more than a year of detention.

Even though Joshua was released from ICE custody, he still had a removal order in his name. Safe Passage advocating for months with the Department of Homeland Security (DHS), ultimately filing appeals with the 4th Circuit Court of Appeals, until DHS finally agreed to reopen Joshua’s removal proceedings (thus eliminating the removal order), and rescinding the removal proceedings altogether, thus leaving Joshua without a risk of deportation. Joshua filed his Adjustment of Status application and recently received his work permit. He should be able to receive his green card once his visa number is current.

Saravia v. Sessions:
In 2017, Safe Passage Project’s young client A.H. was arrested without notice outside his home on Long Island, New York, and transferred in the dead of night to a detention center in California. Working in partnership with the ACLU and others, Safe Passage Project secured A.H.’s release back to his mother. His case became the nationally significant Saravia v. Barr class action lawsuit which has provided important protections to an entire group of young immigrants.

In early 2021, the government agreed to a final settlement that updates their own internal policy manual to make these protections permanent. The settlement protects young people from arbitrary arrest, ensures access to a lawyer, requires special judicial hearings, and prevents the federal government from using false accusations against this vulnerable population. Immigrants and attorneys nationwide now regularly refer to “Saravia Rights” the same way criminal defendants can refer to “Miranda Rights.”
Pro Bono Volunteer Involvement

Safe Passage Project leverages the support of volunteer attorneys to serve as many young immigrants as we can. We recruit, train, and mentor hundreds of lawyers from top law firms, primarily in New York City and Long Island, and assign them to clients whose cases could last up to 4 years. Throughout the life of a client’s case, we support our pro bono attorneys, teaching them to effectively advocate for their client and secure permanent legal protection on their behalf. Safe Passage Project mentor attorneys review all pro bonos’ drafts before submission to court or the immigration agency; work with pro bono attorneys to develop legal strategy; and advise on essential parts of the law and procedure to ensure that our clients have the best possible representation in a complex and oftentimes oppositional system.

With a managing attorney overseeing our pro bono program, we are constantly improving our training and adding new volunteer attorneys to our pool. In 2021, we launched North Star, a web portal that includes downloadable sample litigation documents, training videos, and other information intended to assist pro bono attorneys in their representation of immigration youth. Similarly, we launched Guidance for Practitioner Success (GPS), a newsletter for pro bono attorneys that includes updates on government policies, changes to the law, trainings, resources, and a case digest featuring clients in need of assistance.

We have also expanded our volunteer interpreter bank. We pair solo practitioners and attorneys working outside of large firms with Spanish-language interpreters to form a client-attorney-interpreter team. Attorneys working at large firms with established pro bono programs usually have access to interpreters in house, so our interpreter program leverages resources appropriately, freeing up our own Spanish-speaking staff to work on direct matters.

564 Attorneys volunteered 27,072 hours
Significant Collaborations

Relationships with other organizations serving immigrant youth continue to be critical to the success of Safe Passage Project. We are a founding member of Immigrant Children Advocates’ Relief Effort (ICARE), a coalition of nonprofit organizations that collaborates to provide free legal services to immigrant children. ICARE includes key partners such as Catholic Charities, Central American Legal Assistance, The Door, Kids in Need of Defense, The Legal Aid Society, and Make the Road New York. Over the course of this grant, we continued to work together to provide direct legal representation, mental health and medical services, and advocate for child refugees. In light of the COVID-19 pandemic, the ICARE organizations have also collaborated to share best practices for serving clients and providing virtual assistance, and have developed a joint advocacy strategy to highlight the importance of our work in this difficult time, and ensure that we maintain, at minimum, level funding so that we can continue to represent vulnerable young people. The Door, Safe Passage Project, and Catholic Charities, have also collaborated to determine how to best distribute emergency cash assistance to young people affected by COVID-19.

On Long Island, we continued our collaboration with the Health and Welfare Council of Long Island and the New York Immigration Coalition as well as other immigration services providers including the Central American Refugee Center (CARECEN), the Immigrant Justice Corps (IJC), and Hofstra Law School’s Asylum Clinic. Though the Episcopal Diocese of Long Island has hosted the Safe Passage Project Long Island team at its School of Theology for the last several years, the availability of that space is coming to an end; Safe Passage has just signed a lease on new office space in Hicksville, NY, which is centrally located for our clients.

Our social work team continues to maintain relationships with numerous educational, social, and health service providers in New York City and across Long Island. During this grant, we continued our longstanding relationship with HealthRight International and Terra Firma, a national medical-legal organization that specializes in direct health services for immigrant children.

Administration change at the federal level has led to ICARE taking the opportunity to advocate for more equitable treatment for our client population, and has resulted in targeted coalition-wide advocacy. For example, several ICARE members, including the Door, Catholic Charities, and Safe Passage Project, are involved in the “End SIJS Backlog” Coalition, which proposed specific changes to federal policy impacting Special Immigrant Juveniles. In March 2022, USCIS issued a very positive Deferred Action policy specifically for Special Immigrant Juveniles, which addressed many of the issues we raised in our advocacy. This policy marks a sea-change from how Special Immigrant Juveniles were previously treated, and we are already seeing positive effects in the form of dismissals of removal proceedings.
Significant Collaborations

In addition to federal advocacy, Safe Passage remains engaged at the local level as well. We submitted oral and written testimony at the New York City Council Immigration Committee’s preliminary budget hearing on March 14, 2022. The testimony highlighted the need for continued public funding for this work to ensure that immigrant youth receive the services that they need. Safe Passage is also engaged in advocacy with NYC council members. The vast majority of the NYC Council are newly-elected officials, so ensuring that our work is top-of-mind as they settle into their new roles is essential.

Safe Passage continues to be engaged in shaping a discussion around a universal right to counsel for unaccompanied children. We have had extensive internal conversations about how to best advocate for such a right and are also working closely with peer groups like New York Immigration Coalition (NYIC), to ensure that our efforts are appropriately targeted.

Sources of Funding

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