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VERMONT POVERTY LAW FELLOWSHIP

Immigration in Vermont

First Quarter Report: September 6, 2022 – December 9, 2022

I. INTRODUCTION

Maya’s fellowship project focuses on expanding access to justice for noncitizen Vermonters through advocacy, projects, and direct services as part of Vermont Immigrant Assistance (VIA), a clinical program at Vermont Law and Graduate School.

Maya began her fellowship by meeting with existing community stakeholders and other Vermont attorneys to gain an understanding of the existing need in Vermont. Although Maya was not yet barred for the majority of Q1, Maya conducted consults and provided pro se assistance with the supervision of the other attorneys at VIA, before beginning representation of several clients after obtaining her license in November. Maya also began preliminary work on several projects based on needs and concerns identified by community stakeholders and individuals during legal consults.

This quarter, Maya's time was divided relatively evenly between (1) case work; (2) meeting and communicating with community partners and stakeholders; (3) education, training, and VBF events; and (4) ongoing projects.

II. COMMUNITY OUTREACH, TRAINING, AND RESEARCH

Community Stakeholder Meetings

Below is a non-exhaustive list of individuals and organizations that Maya met with or collaborated with over the course of Q1:

Individuals

- Erin Jacobsen, Office of the Vermont Attorney General Community Justice Project
- Anna Tadio, U.S. Committees on Refugees and Immigrants Rutland
- Dawn Seibert, Defender General’s Office
- Kate Paarlberg Kvam, Community Asylum Seekers Project
- Becky Wasserman, Vermont Asylum Assistance Project

- Sidney Collier, VBA Immigration Law Section
- Elizabeth Willhite, Primmer Piper Eggleston & Cramer
- Sue Buckholz, Sue Buckholz PC
- Karen Fondacaro, NESTT/Connecting Cultures
- Teri Corsones, Vermont Judiciary
- Sarah R. Star, PC
- Elizabeth Kruska, PLLC

Organizations

- ACLU of Vermont – Hillary Rich, Lia Ernst, Harrison Stark
- Addison Allies Network (for Farmworker Justice) - Veronica Ciambra
- Association of Africans Living in Vermont - Michele Jeness, Nathan Virag, and Mike Webster
- Legal Services of Vermont
- Migrant Justice
- National Center on Restorative Justice
- Northern New England Immigration Practitioners Meetings
- Refugee Service Providers (RISPNet)
- Vermont/New Hampshire Asylum Advocates Network
- Vermont Language Justice Project - Alison Segar

Trainings and Presentations

VBA/VBF Events

Maya attended the Montpelier JusticeFest event during the first week of her fellowship. She attended the VBA Annual Conference in Lake Morey, where she attended several CLEs and introduced herself during the business lunch. Maya also attended the VBA Pro Bono Conference at the state house in October, during which, at Laura Bierly’s CLE on family law, she shared about a pro bono project she is working on. On November 4, Maya joined Rutland County Bar Association’s annual conference to share updates on her fellowship, and she was sworn in as an honorary member of the Rutland County Bar Association.

Maya is also organizing a CLE at the Mid-Winter Thaw in Montreal entitled “Working Smarter not Harder: Emerging Pathways to Immigration Relief for Young Noncitizen Vermonters.”

Maya will also be co-presenting an upcoming Vermont Bar Foundation event on storytelling for nonprofit fundraising with her supervisor and former Vermont Poverty Law Fellow, Jill Martin Diaz.

Other Trainings

Maya virtually attended a conference by the University of Minnesota on asylum law, as well as an ASISTA Immigration Assistance two-day training on supporting immigrant survivors of

trauma and violence. Maya also joined an American Immigration Lawyers Association seminar on U Visas, a form of immigration relief for victims of crimes

III. LEGAL REPRESENTATION AND ADVOCACY

Maya initiated representation or co-counseled a number of cases this quarter, all of which were initiated this quarter.

<i>Types of Matter</i>	<i>Number</i>
Asylum	3 (3 applications submitted)
VAWA/Crime Victims Immigration Relief	4
Special Immigrant Juvenile	4
Removal Defense*	0
Adjustment of Status or Naturalization	0
Equitable Relief/Other	0
Consult and Advice	3
Total	13

*Not including those pursuing other forms of relief listed (asylum, crime victim relief, etc.)

<i>County</i>	<i>Number of clients/cases</i>
Addison	2
Bennington	0
Caledonia	0
Chittenden	8
Essex	0
Franklin	2
Grand Isle	0
Lamoille	1
Orange	0
Orleans	0
Rutland	0
Washington	0
Windham	0
Windsor	0

<i>Race and Ethnicity</i>	<i>Number of clients</i>
African/Black	9
Asian	0
White	1
Hispanic/Latinx Only (Latinx total)	3(5)
Total	13

<i>Age</i>	<i>Number of clients</i>
Under 18	4
18-24	3
25-40	4
40-59	2
60+	0
Total	13

<i>Gender</i>	<i>Number of clients</i>
Male	2
Female	10
Non-Binary/Other	1
Total`	13

Maya noticed several individuals who had previously resided in other parts of Vermont but relocated to Chittenden County for access to jobs or services (including clients who formerly resided in Rutland County and Orange County). Maya will continue to track push and pull factors for her clients within Vermont and for any who might choose to leave the state in the future.

Case Snapshot

Anita (name changed for anonymity) is an asylum seeker in Vermont. Anita, her parents, and her husband were heavily involved in protesting corruption and state violence in their home country. Anita, following protest participation, experienced torture at the hands of the police in her home country, culminating in her husband’s murder by political opponents. Anita made the decision to flee with her young daughter and make the harrowing journey to safety in the United States. After arriving, Anita first went to another New England state, but found Vermont to be a more welcoming environment for her and her daughter.

Anita had previously sought support from the other pro bono immigration attorneys in Vermont, U.S. Committee for Refugees and Immigrants and Association of Africans Living in Vermont. However, as other agencies have been at capacity providing necessary legal services to Afghan evacuees, she was unable to receive their assistance.

Anita first came to our clinic with approximately six weeks left to file her asylum application. Maya filed an initial asylum application for Anita and her child before the deadline to ensure that their case will be fairly and fully adjudicated. Additionally, U.S. Citizenship and Immigration Services (USCIS) only allows individuals to apply for work authorization permits 150 days after filing an asylum application, so the timely filing also ensures Anita, who is eager to support herself and her daughter, will be able to seek work authorization earlier.

Anita's story of struggling to find legal support is similar to the story of several others Maya consulted with this quarter, demonstrating the immense need for increasing capacity of immigration legal service providers in the state.

IV. ONGOING PROJECTS

Maya has initiated a few projects that will be ongoing through the first year of her fellowship. These include:

1. Building connections between immigration legal services and networks of community advocates in the state, establishing both a mutual referral network and planning relevant trainings on immigration law and legal issues for the future.
2. Kicking off a pro bono project on Special Immigrant Juvenile Status, a status for vulnerable noncitizen youth, including presenting a preview at the VBA Pro Bono Conference in October in anticipation of a full CLE at Thaw in January. Maya also began sharing flyers about Special Immigrant Juvenile Status with community partners, who have already identified nearly 30 young people who are potentially eligible.
3. Starting a database of contacts at state law enforcement agencies who can provide necessary certifications for visas available to victims of certain crimes.
4. With the legalization of recreational use of marijuana in Vermont, raising awareness of federal immigration consequences associated with marijuana use and work in industry by preparing flyers with feedback from Dawn Seibert at the Defender General's Office.

V. CONCLUSION

Takeaways from Quarter 1

Maya has begun to see themes in her work during this first quarter. Of course, limited access to immigration services in the state is a significant theme that Maya has noticed. However, another issue that has often come up in Maya's work thus far is both the waiting times and subsequent delays in obtaining work authorization for eligible noncitizens who are eager to begin working. While this is a national issue, it is particularly acute in Vermont, a state experiencing an overall shortage of workers. Maya has also found that many attorneys and advocates around the state are eager to work on immigration-related issues but are unsure of how to begin. Maya hopes to use the resource of the Vermont Poverty Law Fellowship to help make these connections over the next two years, while also supporting existing projects like the Vermont Asylum Assistance Project and the VT/NH Asylum Advocates Network.

Maya has also identified a lack of knowledge of various forms of immigration relief among many noncitizens and relevant service providers, particularly with the backlogs for decisions

asylum seekers now as long as five years or more for many. With updates to 14 VSA §3098 passing in the Vermont legislature in Vermont 2022, making more young people eligible for Special Immigrant Juvenile Status, Maya sees know your rights, advocacy, and outreach related to this status as particularly relevant and important to Vermont's growing noncitizen population. Maya also hopes to dedicate time in future quarters to outreach and education on immigration relief options for noncitizens who are victims of crimes in the United States.

Plans for Quarter 2

During Quarter 2, Maya plans to continue some projects that she has begun to work on this quarter. Maya anticipates providing informative training on forms of immigration relief to lay advocates in Vermont. Maya also plans to disseminate information through partner organizations and other relevant outreach channels to educate noncitizen Vermonters that cannabis is still related to negative immigration consequences despite the legalization of recreational marijuana in Vermont. Additionally, after the CLE presentation that Maya will organize on Special Immigrant Juvenile Status at Mid-Winter Thaw in January, Maya plans to expand the project by soliciting pro bono partners, working on several cases initiated this semester alongside students and pro bono counsel, and potentially organizing additional trainings as appropriate.

Maya also hopes to initiate some advocacy work through supporting bills relevant to access to justice in the upcoming session of the legislature, as well as through outreach to Vermont's congressional delegation. Maya also plans to explore ideas and opportunities to expand language access both in the Vermont Immigrant Assistance clinic's work and outreach, as well as to provide support to other service providers in Vermont.

Overall, through meetings with relevant community stakeholders and additional client work and consults, Maya hopes to continue to understand and identify some of the barriers to justice for noncitizens in the state, as well as potential solutions.