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## **VERMONT POVERTY LAW FELLOWSHIP**

### *Immigration in Vermont*

#### **Second Quarter Report: December 12, 2022 - March 10, 2023**

##### **I. INTRODUCTION**

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

The second quarter of Maya's fellowship was marked by an increase in calls for legal assistance. Maya offered full representation to a number of new and existing clients, and provided limited pro se assistance or advice in several others. This quarter was also impacted by the beginning of the 2023 legislative session in Vermont, as Maya was invited to join several discussions on bills or potential bills impacting the rights and needs of noncitizen Vermonters. Maya also provided several presentations to the Vermont Bar and to lay advocates this quarter.

This quarter, Maya spent about half of her time on case work, while spending the rest of her time on community outreach, events, projects, and education.

##### **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 Q2 that she did not also work with in the prior quarter:

- Senator Kesha Ram Hinsdale
- Jay Greene, Vermont Office of Racial Equity
- Julia Doucet, Open Door Clinic Middlebury
- Merrilyn Tatarczuch-Koff, Vermont Student Assistance Corporation
- Duff Lyall, ACLU Vermont
- Kristin Connors, Montroll Oettinger & Barquist PC

Maya was invited to join several other discussions this quarter, including:

- Participating in conversations with the Office of the Health Care Advocate and other community stakeholders regarding proposed expansion of the Immigrant Health Insurance Plan in Vermont

- Meeting with officers from the Department of Homeland Security’s Immigration and Customs Enforcement (ICE) regional field office to discuss needs in the community
- Joining with other relevant stakeholders in Chittenden County to discuss needs of the increase in asylum seekers coming to Vermont from the Southwest Border
- Attending several events on themes of justice reform and restorative justice, including the screening of a film on Chittenden County States Attorney Sarah George, “To Be Fair,” in Montpelier
- Sharing insights at regional conversations regarding Special Immigrant Juvenile Status, including a conversation with staff from the New Hampshire Judicial Branch, and regarding the ethics of pro se representation of noncitizens in Northern New England.

Maya also continued engagement with other community partners, including but not limited to the VT/NH Asylum Support Networks (including Community Asylum Seekers Project VT), Migrant Justice/Justicia Migrante, Refugee and Immigrant Service Providers Network of Vermont, and the Association of Africans Living in Vermont.

### **Presentations**

Maya organized a Continuing Legal Education seminar at the VBA Young Lawyer Division’s Mid-Winter Thaw in Montreal entitled “Working Smarter not Harder: Emerging Pathways to Immigration Relief for Young Noncitizen Vermonters,” where she and four other panelists, including two student clinicians, shared information about Special Immigrant Juvenile Status as a pathway to permanent status for young noncitizens in the state. About 80 members of the Vermont Bar registered for the event.

In January, Maya also co-organized a series of two virtual Vermont Bar Foundation events on storytelling and fundraising with Trey Martin from the Vermont Housing Conservation Board and her supervisor and former Vermont Poverty Law Fellow, Jill Martin Diaz.

On January 19, Maya hosted a training on the basics of asylum law and other humanitarian immigration relief for non-practitioners with the Vermont-New Hampshire Asylum Support Network, a community advocate and mutual aid network supporting recent arrivals to Vermont. Maya was joined by Nathan Virag, immigration attorney at Association of Africans Living in Vermont. The event had 35 attendees from various non-profits and lay advocacy groups across the states. The slides and recording from the presentation were shared with a larger numbers of individuals who belong to this network of community advocates.

Maya also led her first seminar for students at the Vermont Immigrant Assistance clinic, covering immigration relief for young people.

### **III. LEGAL REPRESENTATION AND ADVOCACY**

Maya initiated representation or co-counseled a number of cases this quarter, as well as continuing to represent a number of individuals this semester. Below are total number of cases Maya either provided representation on, co-counseled, or provided limited legal advice to.

Types of Matter	Number
Asylum	4
VAWA/Crime Victims Immigration Relief	4
Special Immigrant Juvenile	6
Removal Defense	0
Adjustment of Status	5
Naturalization	1
Other Relief	0
Brief Advice and Legal Consult	5
Total	25

County	Number of clients/cases
Addison	6
Bennington	0
Caledonia	0
Chittenden	11
Essex	0
Franklin	2
Grand Isle	0
Lamoille	4
Orange	0
Orleans	0
Rutland	0
Washington	0
Windham	1
Windsor	1

Age	Number of clients/cases
Under 18	11
18-24	6
25-40	5
40-59	3
60+	0
Total	25

### Case Snapshot

Maya current represents an individual named “Daniela” (name changed for anonymity). Daniela first came to Vermont from her country of origin several years ago for a work opportunity. While working in Vermont, Daniela met and fell in love with “Tim,” a U.S. citizen Vermonter. The

couple dated, married, and moved in together in a small Vermont town. As the COVID-19 pandemic began, unfortunately, Tim became more and more manipulative and abusive to Daniela. Even though abuse worsened, Daniela's immigration status expired, so she felt too vulnerable to leave the situation. However, an incident of physical abuse culminated in law enforcement involvement. This led Daniela to make the difficult decision to leave the relationship.

Healing after surviving domestic violence is difficult, and since her immigration status had expired, Daniela was also faced with the added concern of her uncertain status. Daniela came to Vermont Immigrant Assistance to discuss her options for immigration relief. Maya identified her as eligible for immigration relief under the Violence Against Women Act (VAWA). During this quarter of her fellowship, Maya began working with Daniela to document the abuse as well as the physical and emotional harm Daniela experienced. Maya will be submitting Daniela's immigration petition soon. This will help Daniela obtain stability in her status and relieve a significant burden as she continues to heal from the abuse she experienced while building a better life in Vermont.

Maya is currently representing individuals or providing pro se assistance in a diverse range of immigration matters that include several individuals who have been the victims of violent crimes or domestic violence. Vermont Immigrant Assistance is currently the only pro bono legal services provider providing representation in immigration matters like VAWA-based relief, T visas for victims of trafficking, and U visas for victims of certain crimes.

#### **IV. ONGOING PROJECTS**

Maya has continued to work on projects she initiated last semester, as well as begun new projects. These include:

1. Continuing community education with advocate networks on the basic nuts and bolts of immigration processes, particularly asylum. VIA has been asked to conduct trainings for other non-legal service and advocacy groups in the future similar to one Maya offered in January. Maya will continue to develop Know Your Rights and educational materials, like the FYI flyer on immigration consequences of marijuana use that she shared with community partners and on VIA's social media.
2. Expanding a pro bono project on Special Immigrant Juvenile Status, including providing legal advice and support to several other Vermont attorneys pursuing SIJS; representing six SIJS clients; supporting a team of VIA student clinicians working on SIJS matters; and working with Migrant Justice to identify and intake 35 young people in the Vermont farmworker population potentially eligible for SIJS in anticipation of working up cases over the summer with the support of two law student fellows this summer.
3. Documenting need and expanding language access within Vermont Immigrant Assistance, with the hope of identifying solutions to the need that could be mirrored in other clinics across VLGS. Maya supported efforts to kick off VIA's new intake system

in January, including hiring and training law students with multilingual skills to support VIA's language access needs.

4. Building up VIA's list of non-legal referral partners for social services, considering the diverse needs of clients, with the caveat that the majority of VIA's clients are not eligible for many public benefits due to immigration status and/or lack of a social security number.
5. Networking and building up a list of legislative priorities to support in the current 2023 session and/or to advocate for in the 2024 legislative session based on apparent needs and trends among VIA's clients.

## V. CONCLUSION

### **Takeaways from Quarter 2**

Quarter 2 has been marked by increasing calls for help from the community. Maya has been working on a balance of providing direct representation to Vermonters in need of immigration legal services while also reserving time for systemic advocacy and broader community projects and outreach. Maya has found that while unbundled, limited representation for discrete pieces of certain immigration matters has been one way to impact a larger number of noncitizen clients, the time required to provide limited or pro se assistance in immigration matters is comparable to the time required for full representation. In dialogue with her colleagues at VIA and other immigration attorneys in the region, Maya will continue to navigate the ethics and the realities of full representation versus pro se legal assistance for various types of immigration matters to maximize her impact.

However, this quarter was also marked by seemingly increased interest in the needs and rights of noncitizens in Vermont in various corners of the state, from language access needs to expanding public benefits to new relevant forms from the Vermont judiciary. Maya looks forward to remaining involved in discussions and supporting or leading advocacy efforts when relevant, but also acknowledges the need for community members with lived experiences to take the lead in voicing priorities in more of these conversations.

### **Plans for Quarter 3**

Maya already has several plans for Quarter 3, including continued legislative advocacy in Vermont on initiatives to expand access to IHIP, take the term "alien" out of relevant state laws, and other matters related to the rights of noncitizens in the state. Later in April, Maya will also be joining the American Immigration Lawyers' Association National Day of Action on Capitol Hill in Washington, D.C. as the Vermont representative, advocating for the needs of noncitizen Vermonters at a national level with the offices of Representative Balint and Senators Sanders and Welch.

Maya also has several upcoming presentations, including a presentation to the psychological services and case management team at Connecting Cultures on the basics of asylum law. In addition, she will be participating in a virtual course on removal defense to better represent noncitizen Vermonters in immigration court proceedings, including an increasing number of Vermont asylum seekers who fall under the jurisdiction of the Boston Immigration Court.

Overall, Maya plans to spend her third quarter of the VPLF completing a number of filings for clients, offering representation to more Vermonters, continuing work on some of the projects listed above, giving presentations on the basics of immigration relief for advocates, and continuing to join conversations with others in the community regarding the needs of noncitizens. Overall, Maya plans to be more mindful in how she can maximize the fellowship's impact as the needs of the community for immigration legal services increase beyond her and VIA's capacity to provide full, direct representation, while also providing necessary legal services to the most vulnerable.