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VERMONT POVERTY LAW FELLOWSHIP

Immigration in Vermont

Third Quarter Report: March 13, 2023 – June 9, 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.

Quarter 3 was more heavily focused on case work than prior quarters as Maya finalized and submitted a number of cases that required several months of substantive work and preparation. A highlight of Quarter 3 was meeting with staff from Vermont's congressional delegation in D.C. as the only Vermonter to participate in the American Immigration Lawyers' Association National Day of Action. Maya was also admitted to the Vermont Bar during Quarter 3, and an additional highlight of Quarter 3 was obtaining the first several orders of special findings for vulnerable noncitizen children in Vermont courts under the expanded jurisdiction 14 VSA 3098.

This quarter, Maya has intentionally divided her time between the following stakeholders:

1. **Clients:** As an attorney, Maya's most important duty is to individual clients she represents.
2. **Non-citizen Vermonters:** Maya has also engaged in state-level and national-level advocacy in an effort to elevate awareness of Vermont's noncitizen population and the unique issues that VIA's noncitizen clients face.
3. **Community-Led Organizations:** Maya continues to make an effort to respond to needs voiced by community groups led by or supporting noncitizen Vermonters, including Migrant Justice and the Vermont-New Hampshire Asylum Seekers Support Networks.
4. **Vermont Bar:** As the Vermont Poverty Law Fellow sponsored by the Vermont Bar Foundation, Maya sees part of her role as responding to requests to present to or educate the Vermont Bar on issues related to her fellowship. In addition, Maya supports fundraising efforts of the Vermont Bar Foundation for the next VPLF.
5. **Vermont Law Students:** As part of the law school community, Maya is fortunate to both receive support from students and, in support of the mission of being part of a teaching clinic, provide mentorship, support, and some supervision to law student clinicians, work study assistants, and student interns.

II. Community Outreach, Training, and Research

Community Collaboration

Maya has continued to participate in and help coordinate with the Chittenden Asylum Seekers Assistance Network (CASAN) a meeting of Chittenden County service providers supporting asylum seekers.

Over the summer, VIA and Migrant Justice are cohosting a Peggy Browning Fund law student fellow, Izzy Hellman, who Maya is supporting in a project focused on Special Immigrant Juvenile Status petitions for those in the Vermont farmworker community.

Presentations and Materials

Maya distributed a one-page flyer titled “What is Asylum” to schools and community advocates in Chittenden County, where it was translated into a dozen languages for wider distribution.

Maya drafted a comment on behalf of Vermont Immigration Assistance against President Biden’s Notice of Proposed Rulemaking that would significantly limit access to asylum in the United States. Maya also shared materials on drafting a comment, supporting at least seven other VLGS students submitting their own comments. VIA’s comment can be found here: <https://www.regulations.gov/comment/USCIS-2022-0016-12217>

Maya, along with two VIA student clinicians, Leah Brenner and Veronica Shafik, joined the Joan Loring Wing Inns of Court meeting in Rutland on April 19 to present on the work that Maya and the clinic does to support noncitizen Vermonters. Several dozen attorneys attended the meeting.

Maya also presented during a portion of a VBA Family Law Updates CLE on June 9, 2023 with VBA Family Law Division chair Penny Benelli. Maya’s portion of the presentation covered the importance of 14 VSA 3098 and 33 VSA 5126 and obtaining special findings for vulnerable noncitizen children to an audience of 54 attendees.

III. Legal Representation and Advocacy

Maya initiated representation or co-counseled a number of cases this quarter, as well as continuing to represent many individuals this semester. Below are total number of cases Maya either provided representation on, co-counseled, or provided pro se assistance and drafting to. Because clients frequently have multiple immigration-related matters at once, Maya updated the chart below to more accurately reflect matters she has worked on as well as total number of individual clients served.

Types of Matter	Number
Asylum	4
VAWA/Crime Victims Immigration Relief	5
Special Immigrant Juveniles	6
Adjustment of Status	5
Naturalization	2
Application for Work Authorization	3
FOIA Requests	1
Guardianship	4
Parentage Actions	2
Total Matters	32
Number of Individual Clients	23

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

Age	Number of clients/cases
Under 18	8
18-24	8
25-40	4
40-59	3
60+	0
Total	23

Case Snapshot

Maya represents several special immigrant juveniles, including a young woman named Fatema. Fatema, who lost one of her parents at a young age, came to the United States as a high school exchange student and lived with a host mother. Her host mother and community provided such a welcoming environment that Fatema felt comfortable enough to open up about a family friend who had abused her over a period of many years while growing up. Her family had not protected her from this person, and Fatema was scared to return home and be subjected to further manipulation and abuse. Fatema is also from a country where women who speak out about abuse and sexual violence may be ostracized or punished.

Fatema came to our clinic interested in a way to remain in the United States to avoid returning to her unsafe home. We identified her as being eligible for Special Immigrant Juvenile Status and began working with her and her host mother to obtain the order of special findings we need from a Vermont court. A Vermont judge signed the necessary order of special findings, and Maya submitted an application for special immigrant juvenile status with U.S. Citizenship and Immigration Services.

Fatema now has a chance to remain in the United States and pursue an education without fear of her abuser. Fatema dreams of becoming a doctor and providing medical services for people living in poverty, a dream that will now be more achievable with a path to permanent, stable status.

IV. Ongoing Projects

Much of Maya's time has been spent on ongoing projects, including broad projects initiated in previous quarters and new projects and advocacy. These include:

1. Continuing expanding knowledge of Special Immigrant Juvenile Status, which has included (a) distributing sample materials and guides on SIJS to pro bono Vermont attorneys, (b) providing presentations on SIJS to students and the Vermont Bar, (c) beginning a SIJS project with Migrant Justice Peggy Browning Fellow as mentioned previously, and (d) speaking with members of the Vermont Family Division Rules Committee and representatives of court users groups on opportunities and issues with the application of 14 VSA 3098 and 33 VSA 5126.
2. Drafting flyers on immigration relief including a one-pager on the definition of asylum and a brief flyer on immigration relief for young people, in response to requests from school districts in Chittenden County.
3. Meeting with and discussing the needs of Vermonters in immigration proceedings with Vermont's congressional delegation, including meeting with staff from Senator Sanders

and Senator Welch's office, as well as meeting with Representative Balint in Washington, D.C.

4. Networking and building up a list of Vermont state legislative priorities to advocate for in the 2024 legislative session based on apparent needs and trends among VIA's clients. This included drafting a white paper on the lack of legal services for noncitizens in Vermont in comparison with similar states, to be utilized in the future. Similarly, continuing to support legislation benefitting noncitizens (like the expansion of the Immigrant Health Insurance Plan) in the recently concluded legislative session.

V. Conclusion

Takeaways from Quarter 3

Quarter 3 was more heavily focused on case work as Maya pushed to complete many client's applications that she or clinic students began drafting and preparing over Quarter 2. Maya limited the number of new cases she took to focus on finishing filings for other pending cases, while saving capacity for systemic advocacy, know-your-rights materials, and other projects.

One issue that arose in Quarter 3 was using the expanded jurisdiction of Vermont probate and family courts over vulnerable noncitizen children according to 14 VSA 3098 and 33 VSA 5126. Maya was unable to file minor guardianships using 14 VSA 3098(c)(4), but plans to continue to work with other attorneys, members of the judiciary, and affected clients and community members to push for updated guidance amongst court staff on these types of cases.

Plans for Quarter 4

As she concludes the first year of her fellowship, Maya hopes to spend the summer focusing much of her energy on intaking and preparing applications for Special Immigrant Juvenile Status for members of Migrant Justice in a collaborative project with the Peggy Browning Fund summer fellow cohosted by Migrant Justice and Vermont Immigrant Assistance. Maya is also working with a Social Justice Mission Scholar and summer fellow at VIA to expand awareness of immigration relief available for noncitizens who have been victimized by crimes in the U.S. Additionally, Maya has drafted several flyers and documents in response to community questions that she hopes to finalize and distribute by the end of summer.

Maya was also asked to join the American Immigration Lawyers Association, New England Chapter's Congressional Advocacy team as a Vermont representative and anticipates more engagement with Vermont's congressional delegates on federal-facing issues that noncitizen Vermonters face, including processing backlogs and delays. Similarly, Maya plans to engage in more intentional outreach and advocacy on state-level issues that face noncitizen Vermonters, including limitations on in-state tuition, and the lack of funding to support Vermont asylum seekers and other noncitizens.

Going forward, Maya also hopes to be mindful of not speaking to things that those with lived-experiences can better speak to, but to mindfully continue to use the unique platform of the Vermont Poverty Law Fellowship to highlight and problem-solve issues raised by her clients, community members, and partner organizations.