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VERMONT POVERTY LAW FELLOWSHIP

Immigration in Vermont

Fourth Quarter Report: June 12, 2023 – September 8, 2023

I. Introduction

Maya's Vermont Poverty Law Fellowship project focuses on expanding access to justice for noncitizen Vermonters through advocacy, projects, and direct services as part of the Center for Justice Reform Clinic (CJRC), formerly called Vermont Immigrant Assistance, a clinical program at Vermont Law and Graduate School.

Although Maya spent a few weeks of Quarter 4 out of office, the past three months were a busy quarter for the Center for Justice Reform Clinic. Maya worked on more individual matters and cases than any prior quarter. Maya also helped supervise two student fellows working with the clinic over the summer, including a fellow co-hosted with Migrant Justice, described in more detail below. In addition, Maya spent time preparing for and engaging in legislative advocacy at the state and federal levels. Maya also began a series of presentations continuing into the fall as part of the Vermont Bar Foundation's Poverty Law Fellowship campaign.

Over the course of Quarter 4, Maya spent approximately two thirds of her time on case work, while spending the rest of her time on projects, outreach, and community presentations.

II. Community Outreach, Trainings, and Advocacy

During Quarter 4, Maya organized and co-presented two Continuing Legal Education panels to the Vermont Legal Aid staff: one panel on updates to immigration law as relevant to the VLA team, and one on Title VI and language access protections, which was co-presented with the Environmental Justice Clinic at Vermont Law and Graduate School.

Additionally, Maya gave several presentations about her work as the Vermont Poverty Law Fellow, including presentations to local law firms. On August 10, Maya gave a public presentation on immigration lawyering as poverty lawyering, which was recorded and is now available on [CCTV](#).

In addition, Maya spent Quarter 4 working more closely with community partner Migrant Justice. over the summer, Maya helped supervise a Peggy Browning Fellow, Izzy Hellman, co-hosted between Migrant Justice and the CJRC. Izzy worked up twelve Special Immigrant Juvenile cases for the clinic to continue to work on during the fall semester. Maya and the Clinic also supported Migrant Justice as attorneys of record on a renewed ask for prosecutorial

discretion for a group of migrant farmworkers who were targeted by immigration enforcement after publicly advocating for farmworkers' rights in Vermont.

Maya also continued engaging with the Vermont Asylum Seeker Support Networks, other Chittenden County service providers for asylum seekers, and the Refugee and Immigration Service Providers Network at the state level.

III. Individual Legal Representation

Numbers below reflect the matters that Maya actively worked on in the fourth quarter of her fellowship, including pending cases that required additional follow-up or client work. The numbers below do not include twelve cases initiated by Migrant Justice/CJRC Peggy Browning Fellow Izzy Hellman, cases that will potentially be filed during Quarter 5.

Matters Active in Quarter 4	Number
Asylum	4
VAWA/Crime Victims Immigration Relief	2
Special Immigrant Juveniles	7
Adjustment of Status	5
Naturalization	2
Application for Work Authorization	5**
Bond Appeal	1
Guardianship Petitions	3
Parentage Actions	2
Removal Defense*	9
Prosecutorial Discretion	5
Temporary Protected Status	1
Federal Litigation/Writs of Mandamus	2
Total Matters	46
Number of Individual Clients	28

**Removal Defense includes all cases in removal proceedings, recognizing cases in removal proceedings have unique requirements and additional hurdles.*

*** Three new applications, two pending applications requiring additional follow up with Citizenship and Immigration Services*

County	Number of clients
Addison	7
Bennington	0
Caledonia	0
Chittenden	13
Essex	0
Franklin	4

Grand Isle	1
Lamoille	0
Orange	0
Orleans	0
Rutland	0
Washington	0
Windham	2
Windsor	1

Age	Number of clients
Under 18	7
18-25	8
26-40	6
40-59	7
60+	0
Total	28

Case Snapshot

Maya represents several members of the Vermont farmworker community, including “Graciela.” Graciela, a mother and grandmother, has lived in Vermont with family and worked hard in the Vermont agricultural industry for a number of years undocumented. Within the last two years, Graciela was violently attacked by a supervisor at the farm she worked at. Some time later, the same supervisor later threatened Graciela and her family with a machete in their home. While hiding from the violent supervisor in a locked bedroom, Graciela was still nervous to contact law enforcement because she was undocumented, but her son eventually convinced her to contact the police. When law enforcement did arrive, Graciela was able to share her testimony and the describe the violence the supervisor subjected her to.

Some months later, community partner Migrant Justice identified that Graciela might be eligible for a U visa, a visa for victims of certain crimes who have cooperated with law enforcement. After an intake with the clinic, Maya identified Graciela as eligible for a U visa and began working with her to prepare the necessary evidence. This summer, Maya and Graciela finalized her application and submitted it. Because a U visa requires certification from a law enforcement agency and an analysis of how the definition of crimes under state law match the federal definitions, it is extremely difficult to prepare and submit an application without an attorney. Thankfully, after living in Vermont for close to a decade and her recent harrowing experiences, Graciela now has a possible pathway to a work permit, a visa, and eventually, permanent residency.

IV. Ongoing Projects

- Special Immigrant Juvenile Status: Maya continued working on education and outreach around Special Immigrant Juvenile Status, primarily through work with MJ/CJRC Fellow Izzy over the summer. This included Spanish and English handouts on Special Immigrant Juveniles and guardianships under Vermont law; as well as a memo and subsequent conversation with members of committees of the Vermont judiciary to help make forms and rules more aligned with 14 V.S.A. § 3098 and the needs of Special Immigrant Juveniles.
- Federal Congressional Advocacy: Maya and the clinic continued engaging in outreach and advocacy with Federal congressional representatives. This included sending a letter to Congresswoman Becca Balint requesting her to become a cosponsor of the Protect Vulnerable Immigrant Youth Act, H.R. 4285, which Congresswoman Balint has now cosponsored. Maya and the CJRC also met with and had follow up conversations with staff in Senator Welch’s office about various immigration issues the clinic’s noncitizen clients face.
- Vermont Legislative Advocacy: Maya also continued preparing for and engaging in conversations about legislative reform for the next legislative session. Maya is working in collaboration with a Vermont Law and Graduate School student, Nathaly Lora Javier, to research and draft a white paper on the ways other states and jurisdictions have funded universal representation in removal proceedings and immigration legal services generally. Maya is also in the early steps of working with several other state advocacy groups to advocate for reform in access both to housing and to higher education for noncitizen Vermonters.
- Community Clinics: Maya is taking the lead on organizing “pop-up clinics” for individual legal consultations during the fall semester of the Center for Justice Reform Clinic, including an upcoming clinic at Middlebury College, several immigration consult days in Burlington, and an expungement clinic in November. Persons interested in seeking legal assistance at a consultation clinic can contact cjreclinic@vermontlaw.edu or 802-831-1552, and keep an eye on the Center for Justice Reform Instagram page for more information.

V. Conclusion

Takeaways from Quarter 4 and Year One

Quarter 4 also marked the end of Maya’s first year of her Vermont Poverty Law Fellowship. Year one included five Continuing Legal Education presentations, numerous other educational presentations and classes to law students, opportunities to advocate with the federal congressional offices in D.C. and Vermont, and holding conversations with dozens of other community organizations and stakeholders. During Year One, Maya either consulted with or represented 39 different individuals, including supporting submitting applications for some kind of status or immigration relief for 21 individuals, 11 separate applications for work authorization,

and multiple petitions for special findings for Special Immigrant Juveniles to Vermont Superior Court that remain pending.

Considering the long-pending nature of immigration claims, Maya was excited to see several successes in Quarter 4, including work permit approvals and requisite Vermont Superior Court findings for clients to apply for Special Immigrant Juvenile Status. Maya also recognized that while she spent more time in Quarter 4 on case work, more time on case work means less time for projects and education, something she has reflected on and wants to be mindful of in the second year of her fellowship.

Plans for Quarter 5

In Quarter 5, Maya, along with the rest of the Center for Justice Reform Clinic, plans to spend more time on bigger and more complex cases and projects, including appeals, federal litigation, and cases with a criminal-immigration intersection. As the Clinic emphasizes the education-based mission of being located at a law school and embraces the philosophy of “nothing without our students,” Maya is excited to continue to expand her impact even more through more work with Vermont Law and Graduate School students.

Maya also hopes to be more thoughtful about the long-term impact of her work following the conclusion of her Vermont Poverty Law Fellowship, including through legislative advocacy and continuing to collaborate with other organizations on Know-Your-Rights and community education projects.