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VERMONT POVERTY LAW FELLOWSHIP

Immigration in Vermont

Fifth Quarter Report: September 11, 2023 – December 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.

Quarter 5 was marked by both successes and struggles in various cases and advocacy initiatives. Two of Maya's clients became U.S. citizens, two were approved for Special Immigrant Juvenile Status, one client was granted prosecutorial discretion, and five received their first work permits and Social Security numbers. However, Maya also witnessed one client unexpectedly detained during a routine ICE check-in, another client's appeal dismissed, and another client receive a denial of her application for a work permit because she lost her identification on the dangerous trek to the United States. Like all legal aid work, immigration legal proceedings can be volatile; however, lives hang in balance pending the outcome of their immigration proceedings, making access to legal services vital.

II. Community Outreach, Trainings, and Advocacy

During Quarter 5, Maya provided numerous presentations at law firms around Vermont about the work that she and the Clinic engage in with the resource of the Poverty Law Fellowship. This work also gave Maya the opportunity to connect with lawyers around the state and raise awareness for issues facing noncitizen Vermonters.

Maya also shared an update at the VBA Annual Meeting in September. She also attended the American Immigration Lawyers' Association New England conference and connected with other immigration practitioners from Maine and New Hampshire. Finally, Maya began conversations with members from community organizations around the state to host a CLE in the spring on access to justice issues and best practices.

III. Individual Legal Representation

Numbers below reflect the matters that Maya actively worked on during the quarter; because of the slow nature of immigration proceedings, this does not reflect a number of pending cases Maya currently has that require occasional intervention or support.

Matters Active in Quarter 5	Number
Asylum	4
VAWA/Crime Victim Immigration Relief	3
Special Immigrant Juveniles	7
Adjustment of Status	5
Naturalization	2
Application for Employment Authorization	2
Application for Travel Permit	1
Bond	2
Guardianship Petitions	3
Parentage Actions	2
Removal Defense*	12
Prosecutorial Discretion	6
Federal Litigation/Writs of Mandamus	2
Pre-Sentencing Report	1
Total Matters	48
Number of Individual Clients	29

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

County	Number of clients
Addison	8
Bennington	0
Caledonia	0
Chittenden	13
Essex	0
Franklin	2
Grand Isle	1
Lamoille	0
Orange	0
Orleans	1
Rutland	0
Washington	0
Windham	2
Windsor	1

**Maya represented one client out of state in Quarter 5.*

Age	Number of clients
Under 18	7
18-25	9

26-40	5
40-59	8
60+	0
Total	29

Case Snapshot

Maya assisted client “S,” in naturalizing and becoming a U.S. citizen this quarter. S, who has resided in Vermont for nearly four decades, came to the U.S. as a child fleeing war in his country of birth. S raised a family and built a career in rural Vermont, but never knew the process for how to apply for U.S. citizenship. Without legal support, particularly in the rural area of Vermont he lived in, he spent decades as a permanent resident. And after an accident, S unfortunately developed disabilities that would make it extremely difficult for him to take and pass the civics exam required for individuals to naturalized to become U.S. citizens.

Eventually, S was referred by a community partner to the Clinic. Maya first met and began working with S shortly after her fellowship began. Maya assisted S in obtaining a request for a waiver of disability waiver of the civics exam for naturalization, while also preparing the application for naturalization and other documentation necessary for him to become a U.S. citizen. With a student’s support at S’s naturalization interview, S successfully obtained his U.S. citizenship almost exactly forty years from the day he entered the United States. S can now access benefits previously unavailable to him, participate in elections, and obtain a U.S. passport to visit relatives he has not seen in decades. S’s story demonstrates the diversity of Vermont’s noncitizen population.

IV. Ongoing Projects

- Special Immigrant Juvenile Status: Maya submitted a memo on the need for a guardianship procedure to reflect the language of 14 V.S.A. 3098 and the needs of special immigrant juveniles to the Vermont Judiciary Probate Oversight Committee, also providing a short presentation to the Committee.
- Federal Congressional Advocacy: Maya engaged in federal congressional advocacy this term by joining members of the Senator Sanders, Senator Welch, and Representative Balint’s local offices for a breakfast and discussion of immigration policy, as well as joining meetings and drafting constituent letters on important pieces of immigration legislation and policy to Vermont’s federal congressional delegation.
- Vermont Legislative Advocacy: Maya also continued preparing for and engaging in conversations about legislative reform for the next legislative session. Maya continued working with VLGS 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 also worked with Migrant Justice on a few legislative asks for the next legislative session that would break down barriers to justice for noncitizens for housing and education, working with a coalition of other stakeholders including the Human Rights Commission and the ACLU-VT.

- Community Clinics: Maya helped organize “pop-up clinics” for individual legal consultations during the fall semester of the Center for Justice Reform Clinic, around the state. In total, law students and attorneys met with twenty-four individuals seeking immigration advice and seven individuals seeking expungement.

V. Conclusion

Takeaways from Quarter 5

Quarter 5 was busy with case work and legislative advocacy, as well as new projects. Maya worked on a number of cases that were new to her, new challenges but also requiring more time. One takeaway from Quarter 5 was the importance of collaborating with community partners, when appropriate under an attorney’s professional, for more effective advocacy and solution-building on individual cases and systemic projects. Uplifting the work of these community partners is also valuable to build a network of support. Vital to this is continuing to center the experiences of impacted persons and clients as experts in their own best interest and story. Another takeaway was the effectiveness of consultation clinics, giving individuals the opportunity to consult with an attorney and following up with limited legal intervention, where relevant and useful.

Plans for Quarter 6

Maya will spend two weeks of Quarter 6 at an immigration advocates training with MANOS Oaxaca, an organization based in Oaxaca, Mexico that provides legal support to migrants, as well as families of disappeared migrants in finding their family members and seeking justice. Maya will spend time studying Spanish and learning more intimately about the migration journey that many Vermonters have taken, lessons she can bring back to be a more effective advocate in her last three quarters.

Maya also plans to file a number of cases in Quarter 6 which she and students have been working up this fall, including a number of Special Immigrant Juvenile cases which prior students have helped work up. Maya also plans to continue work both on legislative advocacy, as well as on reports and resource-building to benefit future advocates.

Quarter 6 will see bittersweet and exciting changes – with Maya’s current supervisor and former Vermont Poverty Law Fellow Jill Martin Diaz stepping away from Vermont Law and Graduate School to direct the new Vermont Asylum Assistance Project, new opportunities for collaboration and focusing on longer-term projects to benefit Vermont’s noncitizen and specifically, asylum-seeking populations. She will also take a bigger role in student support in the Clinic, expanding her impact as she works more directly with student clinicians while they represent noncitizen clients.