

**CENTRAL
AMERICAN
LEGAL
ASSISTANCE**

**2023 – 2024
Report**

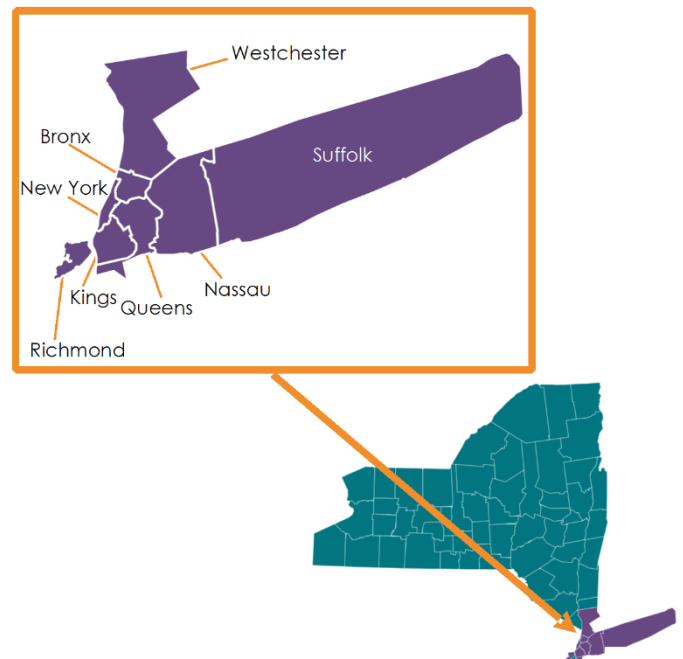
OVERVIEW OF ACHIEVEMENTS

As an unprecedented number of Central and South American families seeking asylum arrived in New York over the past two years, CALA has worked to maximize our capacity and even developed an entirely new program providing pro se application assistance to newly arrived asylum seekers. CALA serves clients throughout the five boroughs of New York City, Nassau and Suffolk County, as well as Westchester and Rockland. Our program now involves four main components, all centering around the provision of direct legal services to Central and South American asylum seekers facing deportation.

CALA provided individualized assessments, legal orientations, and advice and counsel to 1,781 households in FY2024. Because households often involved several family members, these consultations benefited more than 3,161 individuals.

Newly arrived families call our general line from Monday through Friday 10:00-4:00. Our phone lines are answered by three bilingual intake staff who get basic biographical information and information about their case from families who are facing removal and come from our core countries of expertise: Central America, Colombia, Venezuela, and Mexico.

Within a week or two, each household gets a call back from an attorney or DOJ Accredited Representative for a full individualized assessment of their case, an orientation about the process, advice and counsel. Where a family has a colorable claim for asylum, we will either take on their case for full representation/removal defense or for application assistance through our Pro Se Plus Project (PSPP) clinics. Over the past years, an increasing number of families calling us were



Service Area: New York City, Nassau, Suffolk, Westchester, and Rockland

Population Served: Central and South American Families Seeking Asylum

Staffing Full Time Equivalents:

Total: 17.2	Lawyers: 8
Paralegals: 4	Others: 5.2

residing in homeless shelters in New York City, primarily shelters in Manhattan, Brooklyn, the Bronx, and Queens. A larger percentage than in the past are arriving from Venezuela, Nicaragua, and Colombia, likely related to increased political repression and persecution in Venezuela and Nicaragua and increasing understanding in Colombia that the Peace Accords signed in 2016 have not meaningfully mitigated the violence and displacement caused by their decades long Internal Armed Conflict.

We push ourselves to take on as many of these cases as we can for full representation. CALA operates on a model of “vertical representation” where our staff attorneys represent a family through all stages of trial and appeals, including up to Federal Court where necessary and appropriate. Asylum litigation is a labor-intensive endeavor that almost always requires years of work before we finally are able to win asylum for a family.

In FY2024, our small staff provided full representation in 360 of these complex claims, benefitting 522 people. This involves appearing in immigration court hundreds of times while also maintaining an active appellate docket. In 126 cases, we were able to obtain a final resolution to their removal proceedings. In 91 cases (141 people) this meant a grant of Asylum and related relief, like protection under the Convention against Torture. In the other 35 (66 people) cases, this involved a stipulated agreement between us and the Department of Homeland Security to either administratively close or terminate proceedings either due to collateral relief with USCIS or due to compelling humanitarian reasons. The remaining cases remain open either at the trial or appellate level.

Where appropriate, we litigate cases up to federal court and, in doing so, sometimes make case law that benefits asylum seekers throughout New York and Connecticut. In the fall of 2023, we filed a Petition for Review in the Second Circuit in *Meza v. Garland*, where an immigration judge acknowledged that our client had been subjected to political persecution in the past but used an incorrect legal standard to determine that she could still be expected to return to Honduras and live elsewhere in the country. The case is fully briefed and waiting on a panel of judges to adjudicate.

While the bulk of our resources are dedicated to litigating claims in removal defense, a huge need that is going largely unmet at the moment, we do also maintain an active affirmative docket. This includes primarily post asylum grant benefits: Adjustment of Status for Asylees and petitioning of immediate family members who may either be in the U.S. undocumented or still in their home country.

DIRECT LEGAL SERVICES

While we serve many immigrants throughout the year in many different ways, ranging from brief advice and counsel through full representation, the heart of our work is the labor-intensive full representation of asylum seekers in active removal proceedings. We are particularly inclined to jump in where cases have potential legal challenges such that our experience and appellate litigation expertise can be of particular service. These are two of the 91 asylum cases we won in court during the reporting period that are emblematic of this mission.

Case Example #1, Immigration: This family of four fled Honduras in 2014 when the notorious Mara 18 targeted them because the father, a bus operator, had refused to participate in their narco-trafficking scheme and had attempted to report their criminal activities to the corrupt Honduran police. The father fled with one child after barely surviving a shooting attempt and the mother and younger child fled shortly after.

CALA has represented them throughout their removal proceedings, where they applied for asylum and protection under the Convention against Torture. In 2019, an Immigration Judge granted the family protection under the Convention against Torture but denied their asylum claims, finding that the serious harm they feared was not on account of a protected ground.

CALA appealed, briefing several arguments as to why the harm faced by our clients was and will be on account of a protected ground and in 2023, we won. On remand, the Immigration Judge was persuaded and granted asylum to this family on January 10, 2024.

Case Example #2, Immigration: These two clients are a gay couple from El Salvador who fled El Salvador in 2021 following several frightening homophobic attacks and threats and, significantly, the disappearance,

5,215

people
benefited
from

3,673

legal cases
closed

CASES BY LEGAL PROBLEM AREA



torture, and murder of one of their close friends in the small LGBTQ community in El Salvador. Fearing they would be next, they fled and crossed through Mexico. They were only in Mexico for several months but one of our clients is HIV+ and required medical treatment in Mexico- as a result of working with a social worker there, they were granted refugee status in Mexico despite not feeling safe there.

When we took on their case, we had to explain to them that having lawful status in Mexico could bar them from asylum in the U.S. due to what is known as the Firm Resettlement Bar. This bar has become particularly difficult for newly arrived immigrants, many of whom were living in various other countries in South America prior to coming to the United States.

We argued, and the Immigration Judge and Department of Homeland Security ultimately agreed, that our clients were eligible for one of the narrow exceptions to the firm resettlement bar and were eligible for asylum despite their lawful status in Mexico. They were both granted asylum in a final decision on March 14, 2024.

OTHER LEGAL-RELATED SERVICES

The Pro Se Plus Project (PSPP) is a collaboration among CALA and partners Unlocal, NYLAG, Catholic Migration Services, VIA, and Masa. It was born out of the recognition that with the large number of families arriving in New York City, many of whom wish to seek asylum, there are not nearly enough legal service providers to help them to meet the very strict One Year Filing Deadline for asylum using traditional service methods. Our project combines community education, training of community members and non-attorney advocates, and pro se application assistance clinics.

In service of this effort, CALA has hosted over 15 of these clinics and trained 81 volunteers to join experienced attorneys and paralegals in assisting families to complete and file their I-589 Applications for asylum. We have filed applications for asylum and related motions for 506 families, benefitting 830 people. We have a queue of an additional 99 families (180 people) awaiting service at our future clinics, which we are holding every three weeks. We are serving people living in the five boroughs as well as Long Island and Westchester/Rockland through these clinics though a large number of participants are currently residing in New York City Shelters.

CALA was able to hire a new paralegal, Luis Cruz, who began this spring to focus exclusively on this project. CALA attorneys screen potential participants, provide advice and counsel, identify those with colorable claims and then supervise the provision of service and make sure that applications are properly and timely filed. In addition to complying with the One Year Filing Deadline, this puts clinic participants on the path to work authorization, helping them to get on

831

people
benefited
from
**Pro Se
Assistance**

1,160

people
benefited
from
**Community
Legal
Education**

12,000

people
benefited
from
**Web-Based
Assistance**

their feet in a new country. This is a pilot project that we hope to develop best practices while serving newly arrived asylum seekers with an eye to scaling up as there are more resources and organizations involved.

Example 1: One trend that we have been seeing with this community is that many unrepresented immigrants are being ordered removed “in absentia” or in their absence. This is happening where community members either do not get any notice of their hearing so do not know to attend or who attempt to attend and are not permitted to enter the building at 26 Federal Plaza. In both cases, their order of removal is due to circumstances beyond their control. We have assisted 17 families (31 people) to file motions to reopen following such orders of removal and nearly all have been granted.

Example 2: As an increasing number of immigrants are not able to obtain representation at all, Immigration Judges are having to go forward on their claim “pro se” – with a newly arrived immigrant representing himself through an entire trial. This is where robust pro se assistance becomes absolutely essential. In one case, CALA assisted a young man from Nicaragua to timely file his application for asylum during one of our pro se clinics. We then referred him to Catholic Migration Services for assistance with his work authorization document. They saw that he had an upcoming individual merits hearing so assisted him to pull together necessary proof of the political persecution he experienced in Nicaragua. He went forward pro se and was granted protection under the Convention against Torture (CAT).

TECHNOLOGY

CALA has traditionally been a fairly low-tech operation but since receiving our IOLA technology grant we have been able to make some significant technological advances in the office. This has been necessary as courts have increasingly operated using electronic record and filing systems and even hosting many of our trials through “webex” (A zoom type program used by Immigration Court). We were able to purchase new laptop computers for new staff and our older staff who were using older models and purchase Adobe Pro for each computer which allows us to better prepare court documents on-line and to use for application preparation during our clinics.

CALA also onboarded with “Gusto” to help automate our payroll, benefits, and HR services and subscribed to “Air Table” to enable shared and secure tracking resources that our Director and grants manager have been using to track grant information. All of these improvements were enabled by IOLA’s technology grant.

PRO BONO VOLUNTEERS

CALA has enjoyed the collaboration of pro bono attorneys, law students, and other volunteers in our pro-se Asylum clinics. We host these clinics 1-2 times per month serving around 10-15 families per clinic. Each clinic requires 10-20 volunteers depending on how many Spanish speaking volunteers we have (one Spanish speaking volunteer can complete an I-589 but a non-Spanish speaking volunteer requires the participation of a volunteer translator making a “team” of 2 volunteers).

In the week prior to each clinic, we host a training on zoom (done live and recorded for those who cannot make it or who would like to watch it again) explaining the basics of asylum and going through the I-589 Application for Asylum and how to fill it out. Volunteers are also provided with a step by step guide to completing the I-589 to keep with them on the day of the clinic.

During the clinic, we keep a ratio of 1 Supervising attorney to every five volunteer teams. The supervising attorneys circulate throughout the clinic to answer questions that come up during the clinic. Prior to signing the application, the Supervising attorney also sits down with the volunteer and the asylum applicant to review together the Asylum application to make sure everything is correct and complete and that no red flags or potential bars to asylum have emerged. CALA then ensures that the applications are properly filed.

10attorneys volunteered **20** hours**10**law students volunteered **20** hours**5**other volunteers volunteered **20** hours

SIGNIFICANT COLLABORATIONS

ICARE Coalition: In addition to PSPP, CALA is a member of the ICARE coalition, a group of organizations (Legal Aid, Catholic Charities, The Door, Safe Passage, KIND, Human Rights First) focusing on representing children and families in removal proceedings. The organizations dedicated exclusively to working with Unaccompanied Minors focus on young people eligible for SIJS while CALA and Human Rights First focus on children arriving with family units, focusing on families eligible for Asylum, Withholding of Removal, and protection under the Convention against Torture.

Central American Asylum Working Group: For several years now, CALA has hosted and run the Central American Asylum working group. We manage a listserv and host several in-person meetings each year where staff from over 20 organizations can come together to share what we are seeing in court and talk about specific cases and strategies for challenges we are seeing with our asylum claims. CALA prepares information to share about important new case law that impacts our asylum-seeking clients.

CIVIL LEGAL SERVICES FUNDING

\$1,655,940

City and County	\$768,200
IOLA Funding	\$97,500
Foundations	\$305,000
State Funding	\$168,000
Fundraising	\$211,455
Other	\$105,785

