



IMMIGRANT LEGAL ADVOCACY PROJECT

# Tenth Anniversary Issue

## LOOKING BACK AT TEN YEARS WITH ILAP SUPERVISING ATTORNEY SUE ROCHE

Thinking back to that August day in 2000 when I started at ILAP, I can still remember walking into the small office on India Street that I would be sharing with the project's executive director Beth Stickney. The office was about the size of my first studio apartment in Boston, with just enough room for two desks, a few client chairs and a trash can that we would be emptying ourselves at the end of each week. I had just finished law school and moved to Maine for the job. The timing had been perfect, as ILAP posted its first staff attorney position just when I was graduating and looking for exactly that job. I was nervous and excited, coming off a summer filled with miserable bar studies and wondering how those ambiguously worded multiple choice questions had somehow qualified me to be a lawyer whom clients would rely upon to prevent their expulsion from the country. Yikes, what had I gotten myself into?

**I can remember my first client clearly. Beth and I met with her on my first day. She was a domestic violence victim from Mali who had been through horrific abuse.**

I remember my first client clearly. Beth and I met with her on my first day. She was a domestic violence victim from Mali who had been through horrific abuse. I can recall how overwhelmed I felt when she left and Beth handed me the file. I was somehow supposed to keep this woman from getting deported and possibly separated from her infant son, a U.S. citizen. After many months of work, and with Beth's mentoring, her case was approved. This memory evokes the incredible feeling of my first success...the sensation of changing someone's life, and that moment of telling a client that she won her case and would now be able to remain in the United States. That is the feeling that keeps you doing this work, because it can be grueling.

I also remember the first time I had to give bad news to a client who did not qualify to apply for asylum even though she feared return to her country where she

might die. That awful, heartbreaking job of telling someone the thing she fears most, the unimaginable, and handing her tissues and apologizing for the harsh immigration laws, was a scenario that would be repeated many, many more times in the years to come. Those are the times when you question your choice of profession. You then realize the importance of working with likeminded staff who can sympathize and later make you laugh at office jokes, to make the harshness of our immigration laws somehow more bearable. At that time it was just Beth and me, but gradually ILAP grew. Over the years we added staff, moved offices, and thousands more clients came through our doors. Walking into the office today, you will see quite a different ILAP with nine staff members, numerous volunteers, offices, cubicles, ringing phones and clients parading in and out with myriad



*continued on Page 4*

## MARK YOUR CALENDAR



Celebrating Immigration  
Through the Arts &  
ILAP's Tenth Anniversary

# Friday, March 25, 2011

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## Message from our Executive Director

# LOOKING FORWARD TO ILAP'S SECOND DECADE



This year, ILAP proudly marks its 10th anniversary since opening our doors as a staffed legal aid agency. With your help and support, we have accomplished great things during what has been an extremely challenging decade for immigrants, in this nation of immigrants. As we at ILAP look back over the past ten years, it would be easy to become disheartened by the rise in anti-immigrant sentiment and in the punitive, inhumane, and economically shortsighted effects of the United States' current immigration laws.

But then, we imagine what Maine would be like if ILAP weren't here. On page 3, you'll read about a former client who urgently needed expert immigration legal aid in 2000. Without ILAP, she would have been deported years ago. But because ILAP was here for her, ten years later, she is now a U.S. citizen, working, raising her daughter, and contributing to her community. Since 2000, ILAP has helped over 3500 individuals gain

work permits, permanent residency, U.S. citizenship, family unification, safety from persecution or domestic violence, and defeat deportation proceedings to remain permanently in the U.S. That's more than one person a day, for every day that ILAP has been open, whose immigration status and life has been changed for the better through our legal assistance. Since 2000, ILAP has also provided individual attorney consultations offering accurate immigration law advice to over

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19,000 individuals, with over 10,000 more receiving information through education and outreach events. And ILAP's systemic advocacy efforts have helped keep Maine a welcoming place for immigrants.

Whenever we might get discouraged by the apparent rise in xenophobia during ILAP's first decade, we also remember

our friends. Over the past 10 years, hundreds of volunteers, from our Board members, to the attorneys on our *Pro bono* Immigration Panel, to others who volunteer in ILAP's office or at special events, have helped us carry out ILAP's mission. Funders and donors have not been swayed by the country's growing nativism, and their support buoys us as we do our work. And fellow service providers who count on ILAP, just as we count on them, help us know that despite the hostility confronting immigrants today, there are many who stand with ILAP in the fight for better lives for Maine's immigrants.

As we enter ILAP's second decade, many challenges lie ahead, but our clients and our friends inspire us. We are proud of the work we have done over the past ten years. And we look forward to helping Maine and Maine's immigrants during the next decade, with you by our side. Thank you for your support as we continue our work, proudly upholding our nation's immigration tradition, and contributing to Maine's economic and cultural vitality.

*Beth Stuckey*  
Executive Director

Help us fulfill our nation's promise of **liberty & justice for all.**

Make your online donation today at [ilapmaine.org](http://ilapmaine.org).

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## Aminata Doumbouya - Ten Years Later

Aminata Doumbouya's first call to ILAP in December 1999 was placed from the jail in Houlton, Maine. She had been in the United States only three days and was being held by Immigration after crossing the border from Canada. A native of Guinea, Aminata had fled an arranged and abusive marriage in her home country, and now found herself detained in northern Maine, completely alone and unable to speak English.

We sat down recently with Aminata in a conference room at ILAP to hear her story and get caught up. "In the jail they handed me a list of lawyers," she says. "I didn't have any money, and so I called ILAP!"

On the telephone, she reached ILAP Executive Director Beth Stickney, then just days away from officially launching the organization as a staffed legal aid agency. Aminata grins as she remembers the call: "I'm not sure Beth spoke French, really, but she spoke a little - enough to make me understand that I wasn't alone. She told me that they would be transferring me to Portland, and that she would come see me then. And she told me not to worry."

Along with an interpreter, Beth went to see Aminata when she arrived at the Cumberland County Jail. After hearing Aminata's full story, ILAP placed her case with John Rich, then an attorney on ILAP's *Pro bono* Immigration Panel. With his help, she was released from detention and granted a work permit while she applied for asylum in the U.S.

Asylum cases are complicated, and there is no guarantee of a positive outcome. Aminata couldn't feel secure. "It was still scary," she says. "Even when you have a work permit, that doesn't mean you get to stay. You're scared you'll get sent back. I used to have very bad headaches all the time."



But she did get to stay. Nearly two years after she first came into the United States, Aminata and John won her case and she was granted asylum. After that, she began to feel more

secure. In addition to studying English, she enrolled in school to earn her cosmetology license, and she's been working ever since in a hair salon in Portland. "I love working with the people there," she says.

ILAP eventually helped Aminata apply for permanent residency and then for citizenship. The culmination of Aminata's ILAP story came in 2009, fully ten years after her call from the jail in Houlton. With John Rich and Beth Stickney in the audience to watch her, Aminata took the Citizenship Oath at a ceremony in the U.S. District Court in Portland.

These days, Aminata lives happily in Portland with her four-year-old daughter. Looking back, she's grateful and amazed by the support she received from ILAP throughout her first decade in the U.S. "It's crazy," she says. "I called ILAP when I was in jail. They didn't know me. It was like I dropped from the sky. But they helped. If I hadn't found ILAP, I would be back in my country now. I can't imagine what would be my fate." ■

# Trafficking Victim Gains Status

Ramon came to the U.S. from Central America to find work that would pay enough to support his family. He was handy and willing to work hard. He settled in a large city in another state and typically found work through standing on a “day laborer” street corner.

One day, he was offered work by a man who brought him to Maine and who presented fake documents that he obtained for Ramon to an employer. A week later, Ramon was encountered by Border Patrol agents. It turned out that the man who offered him employment had been under investigation for human trafficking. Ramon provided critical evidence to federal investigators that helped them indict and successfully prosecute the man.

While the prosecutor’s office could have offered Ramon a visa available to individuals who assist the government in trafficking investigations, it declined to do so, even though several officials close to the investigation confirmed that Ramon’s cooperation was critical to their case. Without ILAP’s help, Ramon would have been deported at the conclusion of the government’s investigation.

ILAP represented Ramon to apply for a visa as a crime victim. Recently, his visa was granted and will lead to permanent residency. ILAP is now assisting Ramon to bring his wife and children to join him in the U.S. Ramon is extremely grateful that he and his family will be reunited and will be able to live permanently in the U.S.

## MEET OUR NEWEST STAFF MEMBER

We are excited to introduce ILAP’s newest paralegal, Muna Hassan, who joined us in August. Muna manages the application assistance component of ILAP’s Immigration Clinic and is our Forms Volunteer Coordinator. Originally from Somalia, Muna came to the U.S.



as a child. She grew up in Maine and was educated in the Portland Public School system. Muna is a 2009 graduate of Bowdoin College where she majored in Government and Legal Studies. She spent her junior year abroad at the American University in Cairo, Egypt. Muna is fluent in Somali and proficient in Arabic. She spends her free time reading, listening to music, and exercising.

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### *Ten Years, continued from Page 1*

languages filling the air. While I’ve watched ILAP grow I’ve also watched our clients’ lives move on as they come back again and again. The woman from Mali eventually became a U.S. citizen, is now a manager at her job, and her son is nearing teenage years. Although ILAP only played a small

part in that client’s life, we helped her get over enormous legal barriers that would have prevented her from reaching those accomplishments. Yes, that is why I went to law school, why I chose immigration law, and why I came to ILAP. I think it’s what brings all of us who work or volunteer here. ■

## Language Matters

HOW DO YOU TALK ABOUT IMMIGRATION? With Congress failing to overhaul our federal immigration laws this year, the debate is far from over. However, many people who support today’s immigrants and fair and humane reforms of our immigration laws often use the terminology adopted by those who are hostile to immigrants and immigration reform.

Here at ILAP, we never use the terms “illegals”, “illegal immigrants” or “illegal aliens”. These terms conjure up images of criminals, when most immigrants who lack legal status do not commit crimes, but simply work and try to build better lives for themselves and their families. (Being in the U.S. without papers, or longer than one’s visa allows, is a civil, not a criminal, violation.) Many U.S. citizens have broken laws, from jaywalking, to speeding, to not declaring all of one’s tip income on a tax return, yet we do not refer to these individuals as “illegal”. In addition, the terminology is inaccurate. U.S. immigration laws allow many undocumented individuals to apply for legal status without any penalty, including those who are asylum seekers, domestic violence or crime victims, among others. Often, noncitizens lack legal status because they don’t know that the law provides an avenue for them to get a visa or residency.

We urge you to look at the language you use when talking about immigration issues. Alternative terms for those who lack legal status include: “undocumented noncitizens”, “nonstatus migrants” or “nonstatus immigrants”. Changing the language of the immigration debate may indeed help improve the tone of the debate.

# ADVOCACY Update

## FEDERAL ISSUES

### **Comprehensive Immigration Reform:**

On September 29, 2010, Senators Patrick Leahy (VT) and Robert Menendez (NJ) introduced the Comprehensive Immigration Reform Act of 2010. While there is little realistic hope that Congress will act on comprehensive immigration reform this year, the bill is a good starting point for debate. The bill would, among other things, step up border and interior enforcement, but also create new work visas to fill worker shortages, repeal the one year filing deadline for asylum seekers (see our Legal News on page 6), and allow undocumented immigrants to start on the path to legalization.

**The DREAM Act**, which would enable certain undocumented youth who came to the U.S. as children to embark on a path to residency may have some hope of passage this year. Most recently it was proposed as an amendment to a Defense Department reauthorization bill, since youth who gain provisional status through DREAM would be able to gain permanent residency if they complete at least two years of military service or college. The Senate blocked a vote on the amendment, but it is possible that DREAM may still move forward this fall. ILAP has been urging Maine's delegation to support passage of DREAM this year.

### **The End Racial Profiling Act (ERPA):**

On September 27, 2010, the Rights Working Group released a report and recommendations on racial profiling in the U.S. The Report included information gathered from hearings held in Maine and other states this year, and includes quoted testimony from ILAP clients who have experienced racial profiling in Maine. The report urges Congress to enact ERPA. You can find the report at <http://bit.ly/dmRcxVV>. ILAP believes passage of ERPA would send a strong message that bias-based profiling is not tolerated in our multicultural nation.

## STATE ISSUES

**Bias-Based Profiling:** ILAP's Beth Stickney continues to serve on the State's Advisory Commission on Bias Based Profiling. That Committee, made up of representatives of law enforcement and civil and immigrants' rights advocates, will conduct a series of hearings and community educational sessions in various locations in Maine in 2011, in preparation for issuing a report and recommendations to the Legislature by February 2012.

### **Maine Immigrant Rights Coalition (MIRC):**

MIRC is gearing up to respond to anticipated anti-immigrant bills in the upcoming legislative session beginning in January 2011. MIRC also plan to introduce an "immigration integration" bill which would help low-income immigrants pay for English and civics classes to prepare to apply to become U.S. citizens, and for the application fee. For more about MIRC, which was founded by ILAP in 2005, go to <http://www.ilapmaine.org/advocacy.html>.

## PORTLAND

**Noncitizen Voting Initiative:** As this newsletter goes to press, Portland voters will decide whether to extend the right to vote on local matters, such as school committee and city council, to immigrants with legal immigration status who are Portland residents. ILAP supports this measure, because it encourages civic engagement among members of our Portland community who pay taxes and have children in Portland schools, but who are not yet citizens because they are on waiting lists for oversubscribed English classes, or are low-income and cannot afford the \$675 citizenship application fee.

## ILAP by the Numbers To date in 2010...

Full representation clients: **432**

Asylum seekers: **40%**

Asylum seekers in 2008: **20%**

**97**: Percentage of full representation cases with successful outcomes

**498**: Applications prepared for clients to file on their own

Number of people who have attended outreach events: **1066**

**861**: Number of people who have benefitted from consultations

## Be an ILAP VOLUNTEER

Interested in volunteering? We'd love you to join our team of dedicated volunteers. We have positions to suit many interests, from clerical support, helping to plan a fundraising event, or working with clients. Please call Rachel Watson at 780-1593 x100, or email her at [rwatson@ilapmaine.org](mailto:rwatson@ilapmaine.org).

To stay informed about what's happening in Augusta or nationally, sign up at [www.ilapmaine.org](http://www.ilapmaine.org) for **ACTION ALERTS**.

# LEGAL NEWS

## Waiting Times to Immigrate through Family Speed Up.

For all but the spouses and minor, unmarried children of U.S. citizens, or the parents of over-21 year old U.S. citizens, limits on the number of relatives allowed to immigrate each year have resulted in years long waiting lists. Certain countries that use a higher share of the visas have long been assigned their own waiting lists. In April 2010, the Dominican Republic was assigned its own waiting list. As a result, the worldwide waiting list has accelerated dramatically. For example, the worldwide wait time for spouses and minor, unmarried children of permanent residents has sped up by nearly four years, and is presently only about 6 months long – faster than it has been in decades. ILAP will be trying to get word of this development out to Maine's immigrant communities so that they can seek legal help to do the final paperwork enabling their family members to immigrate.

## Federal Court Prohibits Key Parts of Arizona Law from Taking Effect.

On July 28, 2009, the Federal District Court in Arizona blocked several key provisions of Arizona's SB1070 law from taking effect, in *United States v. State of Arizona, et al.* Among the enjoined provisions were sections criminalizing a noncitizen's failure to carry immigration documents; authorizing warrantless arrests of persons suspected of being removable from the U.S.; and requiring state and local law enforcement officials to probe the immigration status of persons they suspect may not be authorized to be in the U.S. A copy of the order may be found at: <http://bit.ly/coweBv>. Arizona has appealed to the 9th Circuit Court of Appeals and arguments are expected to be heard in November.

## Immigration Filing Fees Are Going Up.

Immigration will raise the cost of most applications on November 23, 2010. After reviewing public comments opposing the fee increases, the government is nonetheless moving ahead. The fee for a U.S. citizen to help a family member adjust to resident status will be \$1525, not including the cost of the required medical exam. A work permit will cost \$465. The fee to apply for citizenship will remain at \$675. ILAP's low-income clients will be hard hit by the fee increases.

## Reports Shine Light on Law Jeopardizing Those Needing Asylum.

In 1996, Congress created a law requiring a person escaping persecution to apply for asylum within one year of arriving in the U.S. or be denied for filing late. Two recent reports show that high numbers of asylum seekers who would otherwise deserve protection from persecution are denied asylum due to the filing deadline. One report by Georgetown University Law Center based on governmental asylum data found that since 1998, the one year filing deadline has caused denials of 21,000 asylum seekers whose cases would otherwise likely have been granted. The report is available at <http://ssrn.com/abstract=1684231>. Another report by Human Rights First at <http://bit.ly/bwwlKE> found that legitimate asylum seekers, who may not apply for asylum within one year of arrival due to lack of knowledge of their right to request asylum, lack of access to legal representation, language barriers, trauma, and other factors, have been denied asylum in violation of the U.S.'s commitment under the Geneva Conventions to protect refugees. Both reports call for the repeal of the one year filing deadline. ILAP's experience echoes the findings in these reports, and we strongly support repeal of the filing deadline. ■

## The Melting Pot

Merci beaucoup to **Sam Saltonstall** for his three years as Intake Volunteer extraordinaire ■ Bienvenidos to new Intake and Immigration Clinic Volunteers **Jessica Roy, Ellen Leitzer, and Jane Makela** ■ **Beth Stickney**, ILAP's executive director, was recently appointed for a two year term to the Maine Advisory Committee of the U.S. Commission on Civil Rights ■ ILAP met with clients and provided important immigration information in August and September to migrant workers in **Washington and Aroostook Counties** ■ ILAP's supervising attorney **Sue Roche** was selected to advise West Group publishers on the relevance of their immigration law materials to attorneys working with low-income clients at the 2010 national American Immigration Lawyers Association conference. ■ Thank you to **Pierce Atwood** for its recent donation of office furniture to ILAP ■

## The \$75,000 Challenge

ILAP has experienced an unprecedented increase in the number of asylum seekers coming to us for help. To meet this urgent need, we hope to add an asylum attorney to the staff early in 2011.

It's going to take the help of many ILAP supporters to make this a reality.

One generous donor has offered to match every new and increased donation to ILAP in 2010, up to \$75,000.

Please make your gift now to help ILAP expand its capacity to provide urgently needed help to asylum seekers. Please make checks payable to ILAP or go to [ilapmaine.org](http://ilapmaine.org) and click the "DONATE NOW" button.

# ILAP's Pro Bono Immigration Panel Update

**Welcome** to attorneys **Anne Foley**, **Chris Lewis** (Hardy, Wolf & Downing) and **Riikka Morrill** (Verrill Dana) who have joined ILAP's *Pro bono* Immigration Panel since our July newsletter update. ILAP now has over 80 attorneys on our Panel, a more than 50% increase since January. (For a full list of attorneys, visit [www.ilapmaine.org](http://www.ilapmaine.org)). The Panel attorneys are representing over 170 ILAP clients seeking asylum, more than double the number of asylum clients represented two years ago.

Yet due to the 450% surge in requests from asylum seekers in the past year, **we do not have enough attorneys to represent all of the asylum seekers who need our help.** ILAP is seeking funding to hire an Asylum Coordinator attorney, enabling us to more aggressively recruit and to more systematically train, mentor,

and provide improved case management to attorneys on our Panel. The Panel is already so large that it is stretching ILAP's supervisory capacity to its limit. We can't further expand it without an attorney whose position is dedicated to supporting the Panel and ensuring the continued high quality of the legal representation provided to ILAP's asylum clients.

## *Pro bono* ILAP Web Portal

In November, ILAP will launch a secure website to provide country conditions information, model pleadings, as well as a message board for attorneys representing asylum seekers on our *Pro bono* Immigration Panel. We will send invitations to Panel attorneys when the site is ready to launch. ILAP Volunteer Lisa Adams, J.D., assisted by summer interns Noor Dughri of Suffolk Law School and Anna Hogeland of

Bates College, have devoted innumerable hours to developing the site. We are tremendously grateful for their efforts and are sure that our Panel attorneys will find the site extremely helpful.

## Case Updates

Congratulations to the following volunteer attorneys who have won asylum for their ILAP clients since our July update: **Liz Frankel** (formerly of Verrill Dana and now working in Chicago) on behalf of a woman from West Africa facing persecution for being HIV positive; **Michael Malloy** of Skelton, Taintor & Abbot, on behalf of an ethnic Somali man from Djibouti who was tortured due to his political activity; and **Robin March** of Lambert Coffin, on behalf of a Rwandan persecuted because she testified against genocide perpetrators. ■

## Escape: From Genocide, to Persecution, to Safety

**W**hen the Rwandan genocide began in April 1994, "Marie" was a young Tutsi mother living with her parents and siblings and her toddler son. Marie's memories of that time are excruciating but clear. Hutus attacked and killed Tutsis in her neighborhood. She and her family fled, family members scattering in different directions in their panic. She saw her parents attacked and killed as she hid with her son in a banana field. She remembers her fear and hunger as she hid in the woods for a month, and her anguish when her son starved to death in her arms. Eventually she and her brother were found by a group of men who killed her brother and gang-raped her. She knew these men, former neighbors of her family. Even now, some of them still live in the community.

Marie and one sister were her family's only survivors of the genocide. Years later, they testified at a community "gacaca" tribunal,

**She saw her parents attacked and killed as she hid with her son in a banana field.**

held as part of Rwanda's "truth and reconciliation" process. The next night, Marie's sister was fatally attacked. Before she died, she told Marie that the men who attacked her said it was because of her testimony. When Marie was called to testify again a year later, she did not go. But when the authorities threatened her with

jail if she refused to testify, she complied. Just a few days later, several men attacked her, stopping only when people came running in response to her screams. While she recovered in the hospital, a friend obtained a visa for her to come to the U.S. Upon her release from the hospital, Marie flew to the U.S.

Soon after her arrival in Maine, Marie came to ILAP. Melissa Hewey, an attorney at Drummond Woodsum and a member of ILAP's *Pro bono* Immigration Panel, represented her to apply for asylum. Recently, Marie's asylum case was granted. She is now working with Melissa to bring her husband and children to join her here, and hopes that her days of fear are finally behind her. ■



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## OUR MISSION

To advocate for and to improve the status and well-being of Maine's low-income noncitizens and their families by providing affordable legal services and by educating and working with service providers, policy makers, and the public concerning legal issues unique to noncitizens.

## MEET our Clients

CLIENTS COME TO US FROM OVER 100 COUNTRIES AND FROM EVERY CORNER OF THE WORLD.

**They share a common experience of sacrifice and the dream of a better life for themselves and their families. They inspire hope through their resilience and determination.**

- A Somali family forced to leave their infant daughter behind in a refugee camp.
- An Asian woman who fled an abusive marriage and found herself alone in the U.S.
- An openly gay man persecuted by the authorities in his Caribbean country.
- A young married couple abruptly separated by his forced return to Central America.
- An elderly Sudanese woman seeking citizenship but unable to read or write in any language.
- An African woman, a victim of rape, being denied entry to the U.S. because of her HIV status.
- An Ethiopian family seeking to be reunited with a daughter they thought was dead.
- A Congolese woman who was imprisoned and tortured for organizing a protest march.
- A political activist from Haiti whose work exposing official corruption put his life at risk.



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Your new or increased gift to ILAP in 2010 will be matched thanks to a \$75,000 challenge gift by an anonymous donor. Make your online gift today.

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