

# NYLAG NEWS

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## Rise in Immigration Filing Fees Limits Access to Citizenship

On July 30, 2007 U.S. Citizen and Immigration Services (USCIS) increased filing fees for immigration petitions and applications by 66%. The dramatic fee hike, which will fund the restructuring of USCIS into "an immigration system for the 21<sup>st</sup> century," has prevented many of NYLAG's clients from moving forward in any of the immigrant application processes.

The USCIS (formerly Immigration and Naturalization Services) was created in 2003 under the Department of Homeland Security, and is the organization responsible for processing visa and naturalization petitions. As a federal agency, it is unique in receiving only 1% of its funding from Congress; approximately 99% of its budget is

generated from user fees.

So it is no surprise that the agency should look to application fees for a boost in revenue, which Mike Aytes, Director of Operations at USCIS, believes will "significantly speed service delivery; reduce backlogs; [and enable us to] process cases far more quickly than we do today."

But at NYLAG, the fee hike has produced exactly the opposite effect. As low-income applicants struggle to come up with the requisite fees, their cases are put on hold and the possibility of citizenship or permanent residency moves further and further away.

As NYLAG Paralegal Jordan Pollock observed, the new fees carry with them a suggestive

undertone, assuming that "you can't put a price on what it is to be a citizen." Citizenship may be priceless, but an N-400, the form required to apply for naturalization, now costs \$675 (up from \$400).

Likewise, the fee to file an I-485, required for legal permanent residence, rose 300% from \$325 to \$930. And prices skyrocketed across the board, with the form to petition for an alien resident, for instance, up to \$355 from \$190 and the form to become a temporary resident now \$790.

Immigrants rushed to submit applications before July 30<sup>th</sup>, but those who missed the deadline must now raise even more funds and many cases continue to idle indefinitely.

NYLAG will continue to monitor the impact of these fee increases and seek solutions to the problems they are causing our clients.

## NYLAG Welcomes New Director of Pro Bono

Since September, Alison Sclater has been sharpening her skills as a matchmaker, linking clients who would otherwise remain unrepresented with talented private attorneys looking for experience and wanting to volunteer.

Ms. Sclater is quite familiar to both NYLAG and the world of pro bono service and has developed a feel for connecting clients and volunteer attorneys. She served most recently as the New York Program Coordinator for Pro Bono Net, a non-profit organization that develops online tools to support delivery of legal services and information to low-income individuals, and as a litigation associate at Kramer Levin Naftalis & Frankel LLP had the opportunity to work on

a number of pro bono matters herself. As a former NYLAG volunteer and intern with NYLAG's Domestic Violence Clinical Center, Sclater called the chance to return to NYLAG in this capacity "an opportunity I couldn't pass up."

The pro bono assistance of volunteer attorneys is a crucial component of NYLAG's assistance to people in need. "We will always face financial and time constraints that limit the number of clients we can serve," says Sclater. "Pro Bono attorneys enable us to provide assistance beyond what the staff in our units are able to do on their own."

In 2006, more than 200 private bar attorneys worked with NYLAG clients as *pro bono*



NYLAG's Director of Pro Bono  
Alison Sclater

counsel. Each matter referred to volunteer lawyers also comes with mentoring and support from NYLAG staff attorneys.

For information about pro bono and other volunteer opportunities, please contact Alison at (212) 613-5017 or [asclater@nylag.org](mailto:asclater@nylag.org).

## Summer Associates Thrive at NYLAG

As summer drew to a close, so too did another round of enthusiastic, experience-filled legal internships. Adding vibrancy to an already bustling office, the 31 participants in this year's

Summer Associates program shaped and were shaped by NYLAG's commitment to serving low-income New Yorkers.

Students from 14 law schools, an undergraduate institution and a high school were teamed up with staff in each of NYLAG's legal units, working on issues such as special litigation, public benefits, family law, domestic violence, and special education. As in years past, the students all had diverse interests and differing degrees of experience in the non-profit world, but what set this group apart was a particu-

lar commitment to public interest.

Summer work is often expected and nothing new for law students, but the choice to participate in an unpaid internship is indicative of not only a desire to understand practical application of the law, but also to extend access to justice to low-income clients.

According to Ann Dibble, who co-directed the Summer Associates program with Lisa Rivera, this group's dedication stood out. Whereas student interns are typically on the fence about a legal career in private or public interest work and use their time here to help make that decision, these students "really seemed dedicated to public interest work."

The Summer Associates program provides an opportunity for students to dig in and really get a feel for what it means to work at a public interest law firm. "Public interest internships are unique in that they are intended to give a realistic picture of the nuts and bolts of the work being done" said Dibble. "Work as NYLAG interns was very hands on: interns worked directly with NYLAG staff and were engaged immediately at the ground level."

That the overall experience was one of marked and symbiotic success was reflected in mid-way and final evaluations, which returned with "uniformly positive feedback from the students as well as their supervisors."



2007 Summer Associates with NYLAG attorney Lisa Rivera and intake specialist Marylizette Jimenez

## PRO BONO SPOTLIGHT: Lenor C. Marquis. Esq.

As a volunteer with Project FAIR (Fair hearing Assistance, Information & Referral), Lenor C. Marquis, an attorney at Steptoe & Johnson LLP, is instrumental in helping low-income New Yorkers protect vital public benefits.

By the time she started working with Project FAIR, the fair hearing process — a chance to contest the denial of food stamps, public assistance, Medicaid, or other crucial benefits — was nothing new to Ms. Marquis. In conjunction with the City Bar Justice Center's Legal Clinic for the Homeless, she had been providing direct representation for low-income individuals at fair hearings since 2004.

But not until two years later did she learn about Project FAIR's table, set up to assist clients on-site at the New York State's Administrative Fair Hearing Office in downtown Brooklyn. The table, staffed partially by volunteers, is a mini-office right in the waiting room. Ms. Marquis now regularly staffs it, offering legal information, forms and referrals.

For Marquis, it has been an eye-opening experience to spend time at the site. Working with Project FAIR has led her to appreciate how hard her clients work and how much they endure throughout the process. What she has seen — a "very punishing" system riddled with red tape and unsympathetic government workers — is anything but easy. Indeed, feelings of neglect and a lack of support weigh heavily on clients, she says, as if "the crime they've committed is not to be able to afford living in New York City."

As an advocate or a lawyer, a hearing might be challenging and perhaps a bit stressful. As a client, it can make or break your life: the outcome can determine your ability to pay for health care or feed and clothe your child. And with no direction or previous understanding of the law, it is easy for intimidation to take over. "The hearing goes fast" said Marquis, "and though the whole point is to hear what a person has to say, clients often leave finding that their benefits have been cut off or changed and feel like they never really had a chance to explain. It makes a huge difference if someone is just a little educated about the process."

Fortunately, the information and legal referrals provided by Project FAIR have been able to make this difference. Ms. Marquis has generally found that "when people are represented, they win their hearing. It is a problem with a simple solution that really is able to change lives." Project FAIR's collaborative structure is unique, with staff housed at the Legal Aid Society and the New York Legal Assistance Group, and volunteers from over 25 different legal services offices, community organizations and area law schools.



To volunteer with Project FAIR or learn about Pro Bono opportunities, please contact Alison Sclater at (212) 613-5017 or [asclater@nylag.org](mailto:asclater@nylag.org).

## TLC Extends Outreach

When Total Life Choices (TLC) was launched in the summer of 2005, U.S. Living Will Registry® president Dr. Joseph Barmakian called it “a great model for other organizations trying to provide advance care planning and peace of mind to those in need.” Since then, the initiative has continued to exceed expectations and, in the process of promoting Advance Directives, has reaffirmed the power of community partnerships.

TLC is a project carried out through NYLAG that assists clients in completing Advance Directives (Living Wills and Health Care Proxies) and provides free online storage of these documents.

A Living Will records the kind of medical care and life-sustaining treatment you do or do not want to receive if you are in critical condition and not likely to recover. For instance, if you were hit by a car and rendered unconscious, a Living Will makes your wishes known in advance, thus minimizing complications concerning your medical care.

Similarly, a Health Care Proxy designates someone to make your health care choices for you

if, due to illness or injury, you lose your ability to communicate.

Legally, until written proof of a designated proxy exists, no family member or loved one is entitled to speak on your behalf.

Yet according to Project Coordinator Tina Janssen-Spinosa, this fact remains largely unknown. It is a common assumption that family members will be able, automatically, to step in.

Janssen-Spinosa confirms that “the forms are simple and that the State wants you to fill them out.” They can be completed by anyone over the age of 18 and do not require the service of an attorney, or notary public, but only that of two witnesses.

Still, only 25-30% of Americans have completed Advance Directives. This is due, in large part, to a lack of foresight. The young and healthy (or generally those who are not critically ill) have little reason to consider the hypothetical “if I am unable to communicate,” much less to take action concerning it. The role of outreach is thus an essential element of TLC, which spreads awareness of Advance



*TLC Project Coordinator Tina Janssen-Spinosa helps Peggy Nicholson complete an Advance Directive.*

Directives through informational workshops and community partnerships.

Recognizing the importance of raising awareness, the Linda Rodgers Emory Lectures Series was established in 2006 as the educational and community outreach component of TLC with the aim of spreading the word about Advance Directives. Since then, TLC has conducted over 200 educational seminars for about 3,500 individuals.

In addition, TLC has revolutionized their approach to community outreach. Initially, TLC reached out to social workers, health care professionals and the elderly with whom they

work. Now reaching out to anyone over the age of 18, TLC’s contacts are growing into a myriad and sometimes eclectic array of groups — from hospices to youth centers to religious organizations, and as it continues to grow the project hopes to establish relationships with the New York Public Library and the public school system.

To fill out an Advance Directive or for more information, please contact Tina Janssen-Spinosa, Esq., TLC Project Coordinator, at (212) 371-6873 or [tlc@nylag.org](mailto:tlc@nylag.org), or visit the TLC website at [www.nytlc.org](http://www.nytlc.org).

## NYLAG Attorneys Bring Justice to the Workplace

In an agreement effective October 4, 2007, NYLAG attorneys in the Justice at Work Project reached a settlement on behalf of 27 workers from a number of delis and cafes located in Manhattan. Under the settlement agreement, these workers received a total of more than \$200,000 in unpaid wages and significant workplace improvements.

The case was referred to NYLAG by the Restaurant Opportunities Center of New York, a community organization that combats unfair labor practices in the restaurant industry, and began with a small base of clients. After a month of meetings and organizing, the number of cli-

ents grew to 27 workers, all of whom were employed by the same chain of Manhattan delis. When an investigation revealed that employees had endured extremely unjust labor practices — including up to 70 hour work weeks with no compensation for overtime — NYLAG’s attorneys wrote a demand letter to the business owner to address the extensive wage and hour violations.

After weeks of challenging negotiations, the case was settled on terms favorable to the employees. In addition to unpaid wages, the settlement provides that the company will provide all workers at each of the company’s delis and

cafes — seven establishments in all — with employment benefits, including a week of paid vacation, two paid sick days, two paid holidays, an employment manual in English and Spanish, anti-harassment and anti-retaliation training for management, and a grievance procedure to avoid future labor law violations. Such improvements in the workplace are significant not only for the clients who brought the case, but for all current and future employees.

According to Justice at Work Project attorney Elena Goldstein, “This is a model settlement, one that both compen-

sates the brave workers who came forward to demand their rights and also raises the floor of workplace conditions for the many other workers employed by this company.”

NYLAG’s Justice at Work Project provides free representation and advice for low-income workers who might not be able to secure private counsel.

For more information about the Justice at Work Project, please email [jwp@nylag.org](mailto:jwp@nylag.org) or call (212) 613-5018.



## FALL NEWS

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