

ABLE IMMIGRATION ADVOCACY PROJECT REPORT TO THE COMMUNITY



The Immigration Advocacy Project at Advocates for Basic Legal Equality, Inc. (ABLE) provides quality legal services and legal information to immigrants and refugees in Ohio. We also provide critical information to community partners who serve these same communities. ABLE's advocacy focuses on keeping families together, protecting victims of crime, and building a stronger community.

Our local work is made possible by the commitment of our funders, including Borealis Philanthropy, Consulate of Mexico in Indianapolis, Dayton Police Department, Greater Toledo Community Foundation, Justice for Migrant Women, NEO Philanthropy Four Freedoms Fund, Ohio Access to Justice Foundation, Ohio Department of Mental Health and Addiction Services, Ohio State Bar Foundation, The Supreme Court of Ohio Civil Justice Program Fund, United Way of Greater Toledo, Vera Institute of Justice, Welcome Dayton, and many supportive individuals.

2020 was a year of unexpected challenges, but it also was a year we saw persistent and creative advocacy at its best, having found unique ways to serve our clients and the cause of justice.

Despite the pandemic, we visited most registered agricultural labor camps throughout the state (avoiding camps with active Covid-19 outbreaks) while maintaining safety protocols. In response to Covid-19, we designed and produced Spanish-English plastic outreach bags for agricultural workers and immigrant communities. These bags allow ABLE staff to continue reaching these communities with critical information while ensuring social distancing; keep outreach materials from getting wet when we leave them on an agricultural worker's door; create a safe and dry place for immigrants to secure important documents (passports, birth certificates, marriage certificates, etc.); serve as a reminder of important documents as there is a document checklist printed on the bag; and have ABLE's contact information printed on the bag for reference and in case of emergency.



Also, in partnership with The Ohio State University, Office of Diversity and Inclusion, and the Ohio Immigrant Alliance, ABLE hosted a virtual immigration convening consisting of a series of two-hour sessions in October 2020. The convening was called "Ohio Immigrants and Refugees: Lived Experiences, Mobilizing for Change." Author and producer Daniela Pierre-Bravo kicked off the event as the keynote speaker. Raised in Lima, Ohio, she went from being the only Latina in her high school class to the studios of MSNBC in New York. Pierre-Bravo shared her emotional journey as a DACA recipient. Convening topics focused on issues that affect immigrant communities, particularly areas that have seen recent changes, including DACA and the "public charge" rule. Nearly 500 people participated in the virtual event.

2020 also saw some important litigation class-action victories in partnership with client and community partners. For example, Community Refugee and Immigration Services (CRIS) identified an issue of statewide import involving the rights of refugees to obtain an Ohio driver's license. ABLE represented CRIS in a lawsuit seeking to uphold those rights. ABLE also represented Cincinnati-based Intercommunity Justice and Peace Center (IJPC) in a lawsuit regarding the rights of children (U.S. citizens, DACA recipients, and other lawful immigration status holders) of undocumented parents to obtain driver's licenses, after the organization informed ABLE that many of its members were affected by this BMV policy. In February 2020, in two decisions, the U.S. District Court for the Southern District of Ohio granted our clients' motions for class certification and summary judgment, and held that the BMV's policies were unconstitutional. This litigation ensures that more Ohioans, who had been denied access to driver's licenses, will have the ability to obtain a license or state identification card, providing access to transportation, bank accounts, and better job opportunities.

Despite our accomplishments, our local struggles continue, and our commitment to our client communities grows deeper. There remains a significant unmet need for legal representation and immigration advocacy for low-income immigrants. There are now more than 16,500 removal cases pending before the Cleveland Immigration Court, which has jurisdiction over all of Ohio.

There is no right to appointed counsel in immigration court even though the effects of detention and deportation are devastating. As a result, most people—including an estimated 70 percent of people in detention—must fend for themselves while facing highly trained government immigration attorneys. The consequences of this injustice are severe: in the past 20 years, 93 percent of people granted relief from deportation have been represented, meaning that it is nearly impossible to win in immigration court without an attorney. Hundreds of thousands have been denied a fair opportunity to exert their legal rights simply because they had no one to stand with them before a judge.

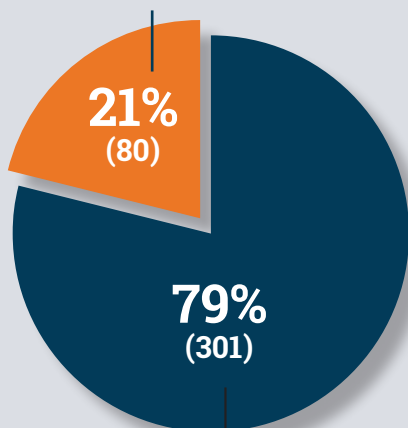
Now, on the heels on another historic election, we are in a moment of optimism and hope for the future. At this moment of change and opportunity, we are hopeful that leaders across all levels of government will renew and double down on their commitment to protect immigrants and move toward the solutions our communities so desperately need.

In 2020, in addition to our outreach visiting agricultural labor camps, ABLE reached more than **1,000** people through **38** community outreach presentations, including virtual and social media sessions. Thousands more were reached with written and online materials.

Results of Screening and Investigation

Because of ABLE’s in-depth screening, the majority of individuals were eligible for immigration benefits and retained ABLE to represent them in their applications for relief.

Cases Accepted for Counsel and Advice



Cases Accepted for Full Representation

| | Specific Case Type in Northwest Ohio | Specific Case Type in the Miami Valley |
|--|--------------------------------------|--|
| Naturalization and Citizenship | 42 | 8 |
| Family Stability and Reunification (including Refugee Adjustment of Status and Detention/Removal Defense) | 172 | 27 |
| DACA Renewal | 38 | 9 |
| U Visa & VAWA | 12 | 25 |
| Asylum | 7 | 1 |
| Immigrant Children | 4 | 12 |
| Other | 15 | 9 |



Elizabeth is a teacher from Ghana who won the diversity visa lottery and immigrated to the United States in 2010. In 2013, she went back to Ghana and married her then-fiancé and father of their son.

A few years later, as a Lawful Permanent Resident, she filed an immigrant visa petition for her husband and son, to reunite the family in the United States. Elizabeth's husband and son were interviewed at the U.S. Embassy in Accra, but their visas were not issued because of incomplete or missing information in their immigration files. Also, the consular officer requested a DNA test to

verify the mother-son relationship.

Elizabeth contacted ABLE and asked for our assistance. ABLE represented the family by submitting complete and updated financial obligation forms and counseling the clients through the immigration process. The U.S. Department of State granted the visas, and Elizabeth's husband and her son immigrated in 2019. During this long process, Elizabeth became eligible to apply for naturalization. ABLE also represented Elizabeth in her application, which was granted. Her son immediately became a U.S. citizen by operation of law, and he received his certificate of citizenship. Elizabeth's husband will be eligible to apply for naturalization in 2021.



José Luis fled his native country, Nicaragua, after being targeted by the Nicaraguan government for his participation in non-violent anti-government protests. This targeting included physically assaulting him and threatening death at gunpoint if he continued his protest activities. After fleeing Nicaragua, he was arrested and detained at the southern U.S. border and transferred to a detention center in Youngstown, Ohio. When he was unable to find an attorney to represent him in removal proceedings, he was ordered deported. After this deportation order was successfully appealed by the International Institute of Akron, the Institute requested ABLE continue representation as José Luis had been transferred to the Seneca County Jail in Tiffin.

ABLE requested a bond hearing and filed an asylum application with the Cleveland Immigration Court. The Immigration Judge set a \$7,500 bond. ABLE thereafter found a private person to pay the bond as José Luis had no ability to pay. José Luis was released after thirteen months in immigration detention. José Luis' asylum claim remains pending.



Maya fled from her native Honduras to the United States with her two young daughters, after suffering years of brutal physical, sexual, and psychological violence—including death threats—by her former partner. Maya reported her partner's violence to the police multiple times, but the Honduran police refused to protect her. Maya and her daughters were detained at the southern U.S. border for several weeks, and ultimately were released and came to live with friends in Dayton, Ohio.

An ABLE attorney represented Maya and her daughters in applications for asylum, withholding of removal, and protection under the Convention Against Torture before the Cleveland Immigration Court. However, in 2018, the immigration judge denied Maya's applications. Despite nearly eight hours of consistent testimony, the immigration judge found it "implausible" that Maya was a victim of domestic violence because she had attended college and had operated her own business at one point in her life.

ABLE appealed the immigration judge's absurd findings to the Board of Immigration Appeals (BIA). In September 2020, the BIA issued an opinion finding the immigration judge's decision was not well-reasoned and remanded the case. ABLE continues to represent Maya and her daughters as they seek permanent safety and freedom from persecution in the United States.
