

# INTRODUCTORY

The period January 2010 to June 2011 has witnessed major changes for Catholic Charities Legal Services and the communities it serves, among them:

- **HELP.** On January 12, 2010, Port-au-Prince and its environs suffered devastation in the form of a major earthquake. More than 310,000 Haitians lost their lives in the quake and 1.5 million were displaced. Shortly thereafter, the US government announced that Haitians present in the US prior to the earthquake would be eligible for temporary protected status (TPS) for 18 months with an application period extended into January 2011. Limited relief in the form of deferred action was made available for earthquake victims beginning in June 2010. CCLS, serving the nation's largest Haitian community and with its own roots there, quickly organized its Haitian Emergency Legal Program (HELP) and became a national leader in securing this relief. A special report on Year I of HELP is included herein. In May 2011, Homeland Security announced both a renewal of TPS and an expansion of the program to immigrants arriving in the first year after the quake. The agency plans to include a report on its HELP Year II response in its next annual report.
- **Broward Office Expansion.** In the fall of 2011, CCLS expanded service in Broward to include the full-time services of a senior attorney, Mr. Callan Garcia. Prior to that expansion, Mr. Garcia had made visits to that office about twice weekly to supervise the work of its paralegal staff. This expansion was made necessary by the increasing demand for legal assistance in Broward, feasible by a matching grant from the Jessie Ball duPont Fund, and critical by Haitian TPS. This report contains an analysis Broward Office client data for the first time.
- **Florida Department of Children and Families (DCF).** In September 2010, instituted the first of two planned annual cuts of approximately 15% of its Employability Status Assistance (ESA) grant to the agency. As recently as 2008, the almost \$1.4 million which the agency then received from DCF constituted over 70% of CCLS revenues. DCF funding has long been restricted to assisting contractually specified groups of aliens resident in Miami-Dade or Monroe. These cuts reflect federal redistributions of Office of Refugee Resettlement funds, the source of DCF funding for ESA.
- **Naturalization.** In the fall of 2010, Miami-Dade County Public Schools was awarded a federal grant to provide naturalization services to qualifying immigrants with CCLS as the designated subgrantee for legal services. The agency began providing free naturalization services under this contract in January 2011.
- **Legal Orientation Program (LOP).** The agency has expanded LOP from one focus (Krome detainees) to three, adding a program for custodians of children facing Immigration Court proceedings and one for respondents in removal proceedings at the downtown Miami immigration court who are unable to secure representation and who do not understand the nature of the proceedings.

- **A Welcome Home!** Finally, this report describes the agency during the first year of the Most Reverend Thomas G. Wenski's service as Archbishop of Miami and sole Corporate Member of CCLS. The archbishop is no stranger to South Florida or to CCLS. He was born in West Palm Beach, studied in Miami and Boynton Beach, and was ordained a priest of the Archdiocese by Archbishop Coleman Carroll. He created CCLS as a program of the Notre Dame d'Haiti Mission, Human Services Division in 1994, when he was pastor of Notre Dame. As Auxiliary Bishop of Miami and Archdiocesan Director of Catholic Charities, he had the agency independently incorporated and served on its board. Throughout his years of service, both here and as Bishop of Orlando, Archbishop Wenski has shown special devotion to the needs of Florida's and the nation's immigrant communities. He chaired of the USCCB Committee on International Policy (2004–2008) and is a consultant to the Committee on Migration and a member of the Secretariat for the Church in Latin America, Committee for International Justice and Peace, and the Catholic Legal Immigration Network, Inc.

With this issue, the Annual Report moves from the calendar year to the agency's (and the archdiocese's) fiscal year, July 1<sup>st</sup> to June 30<sup>th</sup>.

The attached tables indicate that the number of legal actions undertaken on behalf of clients during the 2010-11 fiscal year increased by 58% over those undertaken in calendar year 2009. Demand for service increased at least as dramatically. Sign in sheets for the period have risen to about 20,000 in the main office, alone and to about 4,300 in the Broward Office.

## WHAT WE DO

Our mission is to provide professional immigration services to South Florida's refugee and immigrant communities, both application assistance and attorney representation before the Citizenship and Immigration Services, the Immigration Courts and the Board of Immigration Appeals. In 2010-2011, over 2,000 individuals sought the services of CCLS each month, a doubling since 2008. We believe there are many factors contributing to this increase, among them: the demand for assistance created by Homeland Security's authorization of TPS and deferred action for Haitians, the placement of a full-time senior attorney in Broward at a time when St. Thomas sharply downsized operations there, growth in our naturalization program not only due to federal funding but to closer working relations with Miami-Dade Public Schools, and increasing fears among South Florida's immigrant communities spurred by increased rates of deportations.

The agency has also sharply increased its services. In fiscal year 2010-2011, CCLS brought 12,545 legal actions on behalf of its clients, a 58% increase over calendar year 2009 and a 96% increase over 2008. Nevertheless, demand continues to far outstrip supply, a situation made worse by the sharp decline in ORR funding provided to us through our contract with DCF. In 2010-11, CCLS services were led by the demands of Haitians seeking TPS and, with TPS work permits and commonly fee waivers. The agency also continued to assist individuals seeking to reunite with

their families; political and religious refugees seeking safety and security; essential religious workers seeking to minister to U.S. religious communities; battered spouses and their children. These individuals confront a complex immigration law and a confusing bureaucracy. Many have unhealed wounds from a painful past. Many encounter unexpected bigotry and barriers as they adjust to a new culture and a new way of life. They face an uncertain future.

Without CCLS's assistance, too many deserving immigrants and refugees lose the opportunity to avail themselves of the laws enacted for their protection. Others fall prey to schemes of unscrupulous and unlicensed immigration hucksters capitalizing on the naiveté, poverty, and desperation of the newcomer. However, with our help, many deserving immigrants and refugees persevere and realize their dreams for a bright and secure future in the United States.

CCLS is a nationally recognized agency with an experienced team of attorneys and immigration professionals. In addition to its professional competencies, CCLS staff reflects the diversity of the population it serves, allowing for culturally sensitive and linguistically appropriate services. Prior to Haitian TPS, about half of CCLS clients are Cubans, the community's principal immigrant group. However since TPS, Haitians have become our largest client base. CCLS has always maintained a strong relationship with South Florida's Haitian Community, a traditionally under-served population. In fact, according to the Executive Office of Immigration Review (EOIR) statistics, CCLS represented between 8% - 10% of all successful Haitian asylum claims before the Immigration Courts in the entire nation in recent years. The agency also continues to serve many immigrants from across the Americas and around the world.

# Milestones in the History of Catholic Charities Legal Services

2009	<b>Community Advocacy Award</b> presented by the Legal Aid Service of Broward County.
2007	<b>Saint Vincent De Paul Award</b> for faithful and compassionate service to those who seek sanctuary, shelter, and security in their new land by the Archdiocese of Miami
2006	<b>Adalsinda Lomangino Award</b> for outstanding contributions to the field of immigration law presented by the South Florida Chapter, American Immigration Lawyers Association
2003	<b>National Award for Excellence In Advocacy</b> , US Conference of Catholic Bishops
2003	<b>Greater Miami Chamber of Commerce NOVO</b> award for innovative excellence in delivering services to the community
2000	<b>Proclamation of Catholic Charities Legal Services Day</b> by the Mayor of Miami-Dade County, as one of the vital organizations whose contributions served to enrich the fabric of life in South Florida's community
2000	<b>Commendation</b> by the Mayor of the City of Miami for its major contributions to the Miami-Dade community
1999	<b>Admitted into</b> the Haitian-American Grassroots Coalition
1997	<b>Incorporated</b> as Catholic Charities Legal Services of the Archdiocese of Miami
1994	<b>Established</b> as the GWL Legal Project of the Notre Dame d'Haiti Mission, Human Services Division

## ACTIVITIES

**Representation.** In 2010-2011, CCLS undertook 12,545 legal actions on behalf of its clients, ranging in complexity from filing requests and advising clients to representing them in court, at USCIS and at appeals. In an additional 32 instances, agency attorneys held consultations with potential clients but did not undertake the case, finding that legal action was not in the best interests of these people and explaining the law to them as it affected their cases. Of the cases undertaken, 7,784 resulted in positive outcomes, in which relief was granted in whole or in part by the agency to which the application was made, notice was received by the agency and that information was recorded in the CCLS database. Denial and terminated cases were recorded in

the database. Finally, 4,207 cases, did not record any resolution. Sometimes, the client moved out of the service area, died, or the application was withdrawn. In other cases, the agency did not learn of the resolution. The following tables list the cases undertaken in 2010-2011 and in previous years.

**STATISTICS FOR THE PERIOD BETWEEN 07/01/2010 AND 06/30/2011**

<b>Statistic</b>	<b>Catholic Charities Legal Services</b>
Total number of legal actions	12545
Number of cases with a positive outcome	7784
Number of cases with a negative outcome	289
Number of cases without a resolution yet (ongoing)	4207
Number of cases terminated	223
Number of cases denied	42

**STATISTICS FOR THE PERIOD BETWEEN 01/01/2009 AND 12/31/2009**

<b>Statistic</b>	<b>Catholic Charities Legal Services</b>
Total number of legal actions	7936
Number of cases with a positive outcome	6458
Number of cases with a negative outcome	364
Number of cases without a resolution yet (ongoing)	973
Number of cases terminated	119
Number of cases denied	22

**STATISTICS FOR THE PERIOD BETWEEN 01/01/2010 AND 12/31/2010**

<b>Statistic</b>	<b>Catholic Charities Legal Services</b>
Total number of legal actions	12998
Number of cases with a positive outcome	10062
Number of cases with a negative outcome	315
Number of cases without a resolution yet (ongoing)	2291
Number of cases terminated	270
Number of cases denied	60

**STATISTICS FOR THE PERIOD BETWEEN 07/01/2010 AND 06/30/2011**

<b>Category</b>	<b>Catholic Charities Legal Services</b>		
	<b># of cases</b>	<b># of positive outcome</b>	<b># in ongoing status</b>
WORK PERMITS	4001	2734	1157
PERMANENT RESIDENCY WITH DHS	1439	1007	400
PERMANENT RESIDENCY WITH DOJ	61	32	21
ASYLUM WITH DHS	148	84	46
ASYLUM WITH DOJ	80	7	40
RELIGIOUS PETITIONS	25	20	5

PAROLE (NEW REQUEST)	156	141	9
PAROLE (RENEWALS)	342	292	27
FEE WAIVERS REQUEST	1831	1509	221
NATURALIZATION	479	192	273
DISABILITY WAIVERS	112	48	61
MOTION TO RE-OPEN/RECONSIDER	26	6	19
CHANGE OF VENUE	38	30	8
I-821 TPS	1701	772	811
DEFERRED ACTION	303	67	228
OTHERS	308	148	150

It will be seen that even as the volume of cases increased, so did the overall success rate, defined as the number of cases with positive outcomes divided by the sum of cases with positive and negative outcomes. In 2010-2011, that success rate reached an astonishing 96%. However, the reader is cautioned against reading too much into that rate of success, for different types of legal actions have different rates under differing circumstances. The high volume of TPS cases also have an extraordinarily high success rate (See the report on HELP) as do work permit cases generally. Other types, such as asylum cases, disability waivers, and motions to reopen/reconsider have success rates of 50% or lower. The overall success rate of the agency is at least 85%.

In addition to representing individuals, CCLS assists the Archdiocese of Miami, other dioceses, religious communities, and various religious institutions including Anglican, Baptist, Episcopal, Hinduism, Jehovah Witness, and Methodist, with their immigration needs, enabling them to bring to the US foreign-born priests, religious men and women, ministers and seminarians and assisting them with immigration issues once here.

## **Training and Education**

Immigration law is highly complex and evolving. CCLS provides high-quality immigration training. Each year CCLS helps hundreds of non-profit, private immigration attorneys and legal counselors expand their expertise, as well as improving the skills and expertise of its own staff. In addition to

professional training, the organization conducts outreach workshops each year in poor parishes with high concentrations of immigrants. There, members of the community learn about the law and their legal rights through presentations in their own languages. In the year following the earthquake in Port-au-Prince, CCLS conducted 44 parish outreach sessions to inform and advise the Haitian community about TPS and deferred action, as well as to caution them about the dangers of using “notaries” and other legal charlatans. TPS application assistance was also provided at these outreach sessions. Most sessions were held at Notre Dame d’Haiti, the agency also expanded its training and support for *pro bono* attorneys and law student volunteers who made the notable success of HELP possible, together with the efforts of our dedicated staff.

## **Public Information and Advocacy**

CCLS continues to meet on a regular basis with members of Congress and their staffs and with officials of the federal government, briefing them on such issues as the: need for immigration reform, difficulties and delays in family reunification, importance of granting temporary protected status and work authorization to those who qualify, and destructive effects of detention not only on the lives of the detained immigrants but on their families.

## ***Special Projects: Victims of Violence***

**Women and Children’s Program.** Immigration law now recognizes the special claims of abused women and children, yet they remain the most vulnerable immigrants with nowhere to turn to escape exploitation and mistreatment because they remain ignorant of their rights and without the resources to exercise them. These women represent some of the poorest members of the South Florida community and have little hope of escaping their abusive situation or of changing their economic situation without obtaining legal status in the United States. Their irregular immigration status increases their vulnerability in that their abusers exploit their lack of immigration status and threaten deportation to prevent the victim from seeking outside help and protection. Abusers manipulate the fear and isolation of the immigrants to perpetuate the abuse. CCLS provides them with free legal assistance to obtain legal status under the Violence Against Women Act and other statutes and refers them for job assistance and social services.

**Unaccompanied Refugee Minors Program (URMP).** Unaccompanied minors who have been this victims of international trafficking, including sexual and/or labor exploitation, are entitled to refugee status under immigration law. Catholic Charities of the Archdiocese of Miami maintains a foster care program for these child victims and provides them with psychological and social services. Catholic Charities Legal Services provides them with legal representation.

## **Legal Orientation Programs (LOP)**

In 2010-2011, CCLS expanded its array of legal orientation programs from one focus (Krome detainees) to three. LOP services include: (1) orientating persons both individually and in small groups to US immigration law, their own legal situations, and the types of relief available to them, and (2) helping persons in the program recruit *pro bono* representation when possible. LOP attorneys also provide guidance to *pro bono* attorneys about the case when they are requested to do so. However, they do not themselves represent clients as a part of LOP, although they do



undertake some cases on a *pro bono* basis. In the first six months of 2011, the agency undertook fourteen *pro bono* detention cases. LOP assistance is not entered into the agency database and consequently is not reflected in any of the tables or statistics provided above.

**LOP at Krome.** The original LOP program is conducted for detainees at the Krome detention facility, where CCLS subcontracts and supervises FIAC in addition to using its own staff. The Krome LOP program serves between 30 to 50 detainees weekly. It is funded by the US Department of Justice through a contract with the Vera Institute of Justice.

**LOP for Custodians (LOPC).** At the beginning of 2011, CCLS initiated LOP for the custodians of immigrant children who have cases before the Immigration Court in Miami. Originally conducted on a small scale at our main office, this program is to undergo a major expansion in October 2011, when additional sessions are to be conducted before the Master Hearings at the Court. Our attorney will also attend the preliminary hearings as a guest of the Court. *Pro bono* recruitment and support for LOPC is more complex than for other forms of LOP because in many cases dependency as well as immigration law work is required. LOPC is funded by the US Department of Justice through a contract with CLINIC.

**LOP for the Non-Detained.** CCLS is conducting an experimental LOP program for non-detained respondents in removal proceedings at the downtown Miami immigration court who are unable to secure representation and who do not understand the nature of the proceedings are referred by an Immigration Judge to the LOP at CCLS' offices in downtown Miami. This program is being supervised by VERA but is not currently funded. However, the agency hopes that it can be developed into a national model and obtain DOJ funding.

## **Haitian Emergency Legal Assistance Program (HELP)**

### **YEAR I REPORT**

On January 12, 2010, Port-au-Prince and its environs was devastated by a magnitude 7.0 Mw earthquake that, according to Haitian government estimates, killed 316,000 people and injured 300,000; 1.5 million Haitians were forced to seek refuge in temporary camps. The earthquake destroyed the nation's infrastructure, including government offices, hospitals, and roads. Later that year, flooding and cholera (a disease unknown in Haiti for a century) followed. In the first 3 months of the illness which began in October, about 150,000 people contracted cholera and about 3,500 died.

Shortly after the earthquake, the Secretary of Homeland Security (HS) halted Haitian deportations (which were renewed in 2011 on a 'limited basis') and announced that Haitians present in the US prior to the earthquake would be permitted to apply for temporary protected status (TPS) until mid-August 2010. This filing period was later extended into mid-January 2011, which constitute the boundaries of this Year I HELP report. TPS granted to Haitians filing in Year I permitted its holders to legally reside in the US until mid-July 2011. (The agency anticipates multiple renewal periods.) While it commonly took 6-8 months for applicants to receive TPS (and sometimes longer), they were usually able to obtain work authorization in about 3 months.

This decision received international praise. On January 18, 2010 Jose Miguel Insulza, Secretary General of the Organization of American States (OAS) wrote:

As Haiti recovers, the U.S. government's decision to halt deportations and grant temporary protected status [TPS] to undocumented Haitian immigrants are positive first steps. They should provide significant help as the country begins to rebuild by maintaining a flow of desperately needed financial resources and food to their friends and family back home. Haiti would no doubt benefit from this gesture of support, at once symbolic and substantive – Haitians abroad sent about \$1.87 billion home last year, amounting to about 35 percent of the country's gross domestic product.

The next day, Dilip Ratha, the World Bank's lead economist, projected that TPS would enable Haitians here to increase their home remittances by 20%.

South Florida is home to the largest concentration of the Haitian diaspora in the nation. This meant that the CCLS had the opportunity to help thousands here and through them contribute to the relief and rebuilding of their homeland. Once TPS was announced, CCLS made TPS assistance its highest priority.

**Funding and Support.** During Year I, CCLS was able to raise about \$225,000 in grants and contributions for HELP. The agency also received over \$90,000 of in-kind contributions, mainly the *pro bono* work of attorneys and law students, and it contributed over \$80,000 of its own resources for a Year I project total of almost \$400,000. This enabled CCLS to offer TPS services without cost.

**TPS.** During Year I, CCLS helped 2,372 Haitians with TPS matters. Of these, staff advised 29 not to apply because they did not qualify and their applications might result in detention or deportation. The agency helped 2,343 to file. While 1.5% of these applications were initially rejected prior to full review by USCIS (e.g., because Haitian birth certificates were not initially accepted as proof of Haitian citizenship), all of those rejections were overcome. Nationally, 12% of TPS applications received were rejected. Eighty (80) cases were terminated. Of the remaining cases as of April 2011, 1,748 had positive outcomes in which TPS and work authorizations (unless for minors ineligible to work) were granted; 37 cases had negative outcomes in which TPS was denied. 478 cases remained ongoing. Thus, of those cases decided by USCIS where the decision is known, 97.9% had positive outcomes and 2.1% negative. The national denial rate is 8.0%. CCLS cases account for approximately 3.3% of all TPS applications approved nationally and 4.7% of all approved in Florida.

On May 19, 2011, HS authorized Haitian TPS holders to re-register between May 23 – August 22, 2011. USCIS would treat Year I applications still pending as applications for re-registration. HS further re-designated TPS for Haitians, permitting those who entered during Year I, remained continuously in the US, and otherwise qualified to apply for TPS. With this, victims of the earthquake who had entered the US became eligible for TPS for the first time. The closing date for re-designation applications is November 15, 2011. In both re-designation and re-registration cases, grants of TPS will remain valid until January 2013. CCLS will report separately on these Year II efforts.

**Case-Based Advocacy & USCIS Policy.** Initially, many USCIS staff members made TPS determinations that CCLS staff found to be incorrect, for example: (1) refusing to accept Haitian birth certificates as proof of Haitian citizenship and instead requiring Haitian passports, (2) rejecting applicants born in third countries that, like Jamaica, did not grant citizenship to the Haitian of parents born in those countries, and (3) initially, about 80% of our Haitian fee waiver requests were denied. CCLS successfully argued against these determinations, and USCIS advised its staff that such determinations were errors. This benefited not only our clients but applicants across the nation. Subsequent to CCLS's fee waiver arguments, about 90% of our waiver requests have been approved.

**Guidance.** CCLS emerged as the largest and most successful provider of Haitian TPS services in the nation. The agency continues to receive about two inquiries per week from other attorneys seeking our guidance on how to better address the immigration needs of their clients.

**TPS, Haiti and South Florida.** At this writing, the evidence as is available appears to confirm the importance of TPS to the recovery of Haiti. By enabling Haitians to legally work here, TPS and deferred action help Haitians to boost home remittances to needy family and friends in Haiti. In his introduction to *Migration as a Tool for Disaster Recovery: A Case Study on US Policy for Post-Earthquake Haiti* (June 2011), Clemens wrote: "Cash remittances back to Haiti ... have been roughly triple all foreign aid flows to Haiti. Remittances rise more quickly after disasters than aid, and remittances—unlike much aid—go directly into the pockets of needy families. The US State Department reports (Jan. 2011) that through TPS "the USG seeks to leverage the power of remittances in enabling economic growth in Haiti." It estimates remittances to Haiti at \$2 billion per year. The World Bank reports that cash remittances to Haiti increased by \$124 million in 2010.

CCLS staff report that about 60% of Haitians returning to the agency for TPS re-registration had gained employment despite South Florida's double-digit unemployment rates. Perhaps an additional 10% have taken advantage of their status to pursue vocational or professional training, such as studying nursing.

**Deferred Action.** During Year I, none of the victims of earthquake in Haiti were eligible for TPS, although those who entered the country during that period have subsequently become eligible under re-designation. However, in June 2010, HS announced that victims could be considered for deferred action. Deferred action is an arduous process which may enable applicants to obtain work permits while they await deportation (the action deferred). However, few victims of the earthquake were then eligible for any other form of relief. During the first year, of deferred action, CCLS filed 286 such applications for Haitians. As of April 30, 2011, 54 applicants received positive outcomes and 1 a negative outcome; 231 remain pending. Deferred action requests may continue

to be filed for Haitian victims entering the country after January 2011 or for any whom we identify after November 14, 2011, the cutoff date for TPS filings.

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