

REPRESENTING REFUGEES AND ASYLEES IN NEW YORK STATE

JOURNEY'S END REFUGEE SERVICES, INC.

DEFINITIONS: REFUGEE

- Definition of a **refugee**: Based on the United Nations High Commission for Refugees, a refugee is an individual that has experienced past persecution or has a well-founded fear of future persecution in their home country on account of their race, religion, ethnicity, political opinion, or membership in a social group.
- A refugee either fears persecution by their government directly, or their government is unable or unwilling to protect them from persecution.

DEFINITIONS: ASYLEE

- Definition of an **asylee**: Based on United States Citizenship and Immigration Services (USCIS), an asylee is an alien in the United States or at a port of entry who is found to be unable or unwilling to return to his or her country of nationality, or to seek the protection of that country because of persecution or a well-founded fear of persecution.
- Like a refugee, persecution or the fear thereof must be based on the alien's race, religion, nationality, membership in a particular social group, or political opinion.

DEFINITIONS, CONTINUED

- Alien: Any person not a citizen or national of the United States
- Parole: An individual that is paroled into the United States for urgent humanitarian reasons or significant public benefit
- Lawful permanent resident: Any person not a citizen of the United States who is residing in the U.S. under legally recognized and lawfully recorded permanent residence as an immigrant (aka Green Card Holder)
- Temporary Protected Status

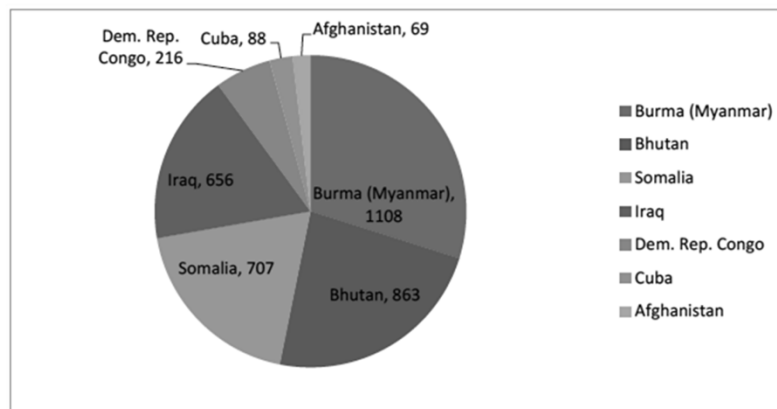
REFUGEES VS. OTHER IMMIGRANTS

- Crucial distinction between refugee and other immigration statuses that are often incorrectly used interchangeably by today's media outlets:
 - Refugee
 - Immigrant
 - Migrant
 - Asylee
 - Asylum seeker

REFUGEE REGISTRATION PROCESS WITH UNHCR

- Case identification by UNHCR → Preliminary assessments of resettlement need → Review by supervising UN officer → Analysis of precondition consideration → resettlement interview and assessment → Accountable Officer review of submission recommendation, category and priority decision → Completion of Resettlement Registration forms → Review of recommendation for resettlement by UNHCR country office and HQ → Submission to Department of State → DOS interview and security checks → Medical examinations → Pre-departure interviews (exit permits, travel documents, visas) → Resettlement departure

COMMON COUNTRIES OF ORIGIN



COMMON COUNTRIES, CONT.

Top seven countries from which refugees have resettled in FY 2014 come from four regions.

- Asia: 48% of arrivals (primarily represented by Burma and Bhutan)
- Africa: 23% of arrivals (primarily represented by Democratic Republic of Congo and Somalia)
- Mideast: 18% (primarily represented by Iraq and Afghanistan)
- Cuba represents the South American region with 2%.

(BRIA - Bureau of Refugee and Immigrant Assistance)

REFUGEES IN NEW YORK STATE

Population Data for FY 2014

- A total of 4,085 refugees resettled in New York State in FY 2014 (October 1, 2013 – September 30, 2014)
- Upstate New York resettled 3,870 refugees (95% of all refugees resettled in FFY 2014)
- New York City and Long Island resettled 215 refugees (5%)

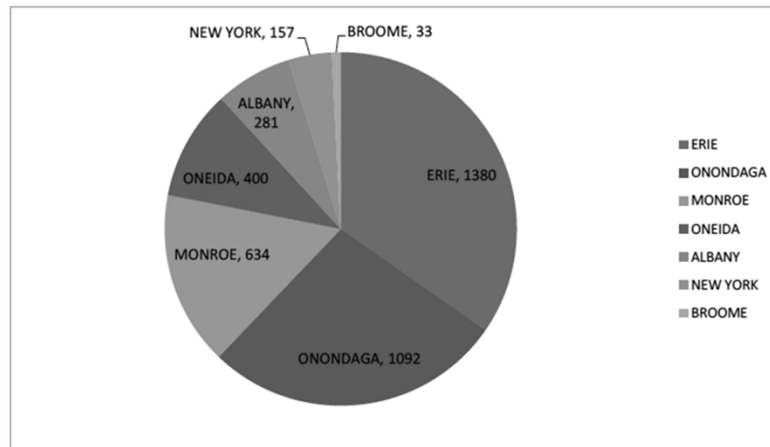
(BRIA)

REFUGEES IN ERIE COUNTY

- Around 2,000 refugees resettled in Buffalo annually
- Refugee Resettlement agencies are federally contracted to provide initial resettlement services
- 9,723 refugees were resettled in Erie County from 2003-2014
- Most common countries of origin of refugees in Erie County are: Afghanistan, Bhutan, Burma, Iraq, Somalia, Sudan, Eritrea, and Democratic Republic of Congo

(Partnership for the Public Good)

REFUGEES IN NYS, CONT.



REFUGEES IN UPSTATE NY

- For FY 2014, 6 of the top 7 arrival counties are in Upstate and the remaining one is New York County.
- Of the 4,733 refugees served in FY 2014, 4,591 (97%) were served Upstate and 142 (3%) were served in NYC.
- The top five counties of refugees served are Upstate, (Erie, Onondaga, Monroe, Oneida, and Albany) accounting for 4564 (96%) of all served

(BRIA)

ASYLEES IN DOWNSTATE NY

- Of the 827 asylees served in FY 2014, 781 (94%) were served in NYC and 46 (6%) were served in Upstate.
- The distribution of asylees served is dramatically different than both refugee arrivals and refugees served.
- The top five counties for asylees served are Bronx, Kings, Queens, New York and Albany.

(BRIA)

REFUGEE RESETTLEMENT AT JOURNEY'S END

- Initial Resettlement Services
- Immigration Legal Services
- Interpreting
- Employment
- Youth Education (MAC Alternate to High School)
- Adult Education
- Volunteer Coordination
- Green Shoots for New Americans Urban Farm

IMMIGRATION NEEDS OF REFUGEES

- Refugees have several legal needs immediately upon and throughout their first years of arrival, including:
 - Family re-unification
 - Employment authorization
 - Adjustment of status to Legal Permanent Resident
 - Travel documents
 - Citizenship and Naturalization
 - Removal defense
 - Other civil legal needs (including divorce, child custody, landlord-tenant issues, public benefits applications)

UNDERSTANDING CHALLENGES FACED BY REFUGEES

- Language barrier
- Cultural barrier
- Navigating new systems
- Difficulties with adjustment in US
- Special Needs as a result of persecution, torture, or trauma, including issues with memory, psychological processing, recollection of events, expressing needs, and retelling their story

BEYOND LANGUAGE ACCESS

Important considerations when representing and communicating with a refugee or asylee client

- Capacity
- Education level
- Literacy in native languages
- Personal backgrounds of trauma that may affect:
 - Ability to communicate wants and needs
 - Ability to express full understanding

Must consider many factors, including interpretation and translation, when facilitating effective communication and representation

REFUGEE CLIENTS WITH SPECIALIZED NEEDS

- Survivors of past persecution, torture, or trauma often suffer long-lasting psychological and emotional harm, and are often challenged with:
 - Reconnecting and recalling accurate details including chronological order of past events
 - Ability to coherently communicate experiences
 - Maintaining a sense of control, connection, and meaning in recovery
- Important to be mindful of trauma's impact on memory and expression

(Judith Herman, Trauma and Recovery)

MENTAL HEALTH CHALLENGES OF REFUGEE POPULATIONS

- The concept of mental health does not exist in all cultures
- Mental health problems are sometimes described through physical symptoms
- In many cultures the topic of mental health is taboo or shameful
- Some cultures don't believe that mental health problems are treatable, or that mental health concerns are treated in traditional ways
- Many refugees don't know that professional help is available for their mental health concerns
- Diagnostic guidelines for mental illness have been criticized as containing heavy western biases

ASSESSING CLIENT NEEDS

- Understand that certain clients will have difficulty in directly explaining their legal needs
- Interpreting with sensitive or personal issues
- Must sort through details and distinguish facts that involve and don't involve the issue at hand
- Legal issues often just one component of a variety of issues a client faces while adjusting to life in the United States
- Must remain conscious and aware of other important needs expressed by client and refer appropriately

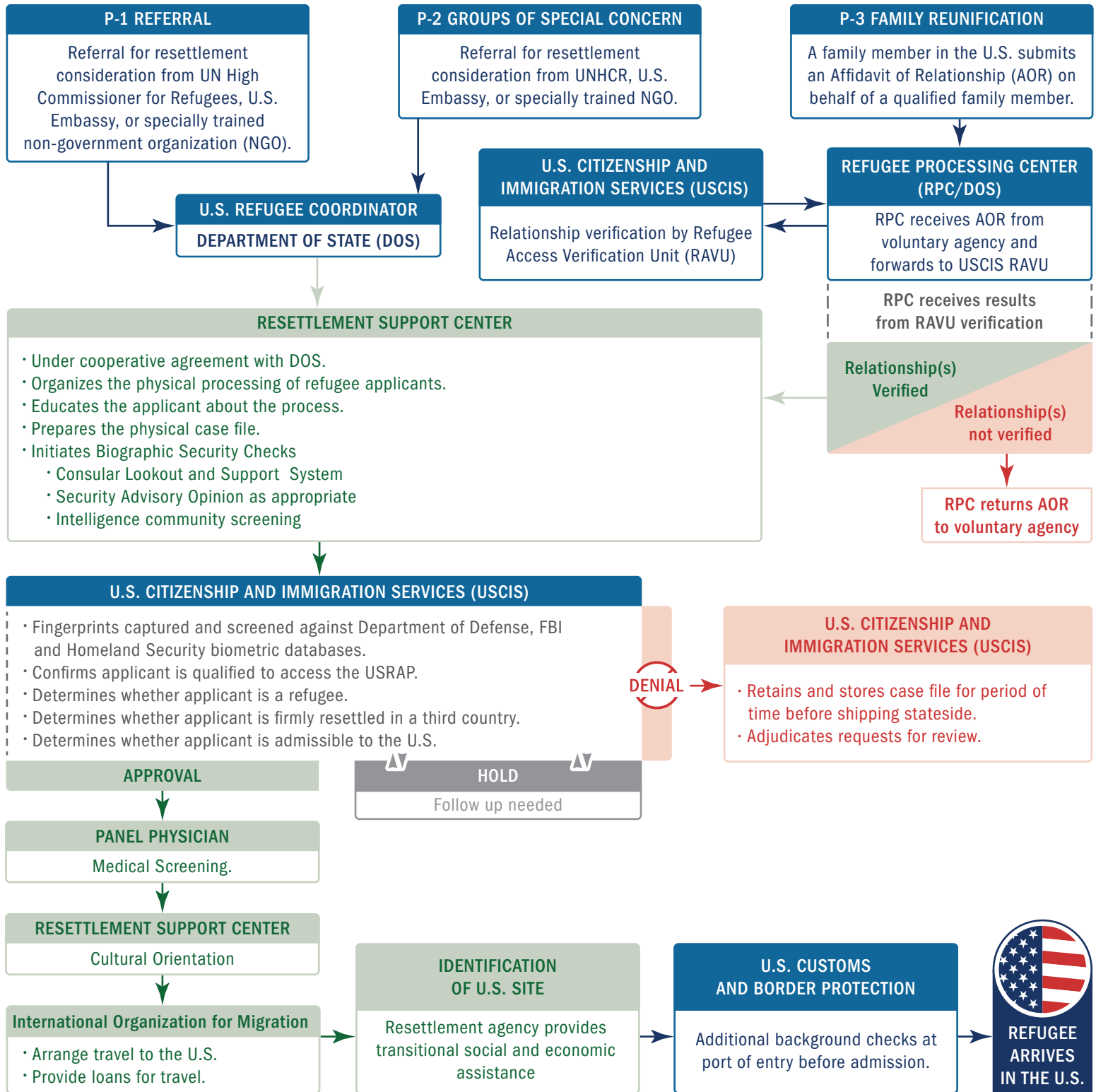
THANKS!

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UNITED STATES REFUGEE ADMISSIONS PROGRAM (USRAP)



REFUGEE IS OVERSEAS AND IN ONE OF 3 PRIORITY GROUPS:



The CRLS Project

The Coordinated Refugee/Asylee Legal Services
Project



What is the Purpose of the Project?

- 1. Support Refugee/Asylee Community empowerment.
- 2. Improve Legal Partners' capacity to serve clients with humanitarian immigration status.
- 3. Strengthen the network of service providers to benefit refugee and asylee communities.
- 4. Provide direct legal assistance to individuals and communities as a whole.

Who are the partner agencies?

Erie County Bar Association Volunteer Lawyer's Project

Journey's End Refugee Services, Inc.

The Legal Aid Bureau of Buffalo

Legal Services for the Elderly, Disabled, and Disadvantaged of WNY, Inc.

Neighborhood Legal Services, Inc.

Western New York Law Center

Individual Cases – Legal Services Available

- Housing
- Family Matters
- Public Benefits
- Health and Disability
- Immigration Matters
- Labor & Employment
- Consumer Issues
- Education
- Other legal needs as identified by clients



The Clients

The CRLS Project

Who Qualifies?

The Coordinated Refugee/Asylee Legal Services Project represents:

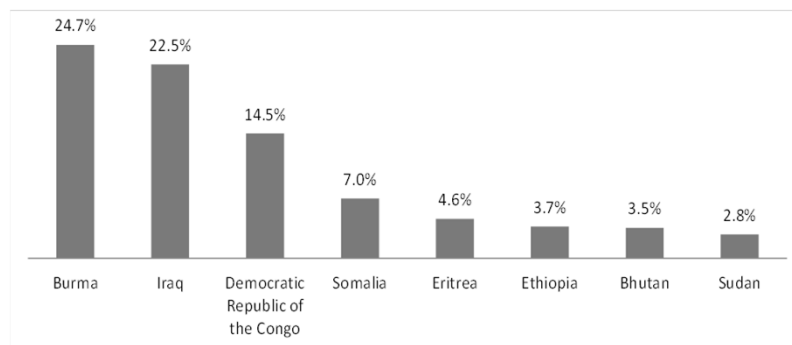
- refugees, asylees, and asylum seekers, as defined by the Immigration and Nationality Act (INA), and/or as defined by The Office of the United Nations High Commissioner for Refugees (UNHCR).
- Clients with humanitarian immigration status (i.e., VAWA, T-Visa, U-Visa, SIV, SIJ, TPS, Humanitarian Parole)

We have income limits for service at 200% of the federal poverty guidelines.

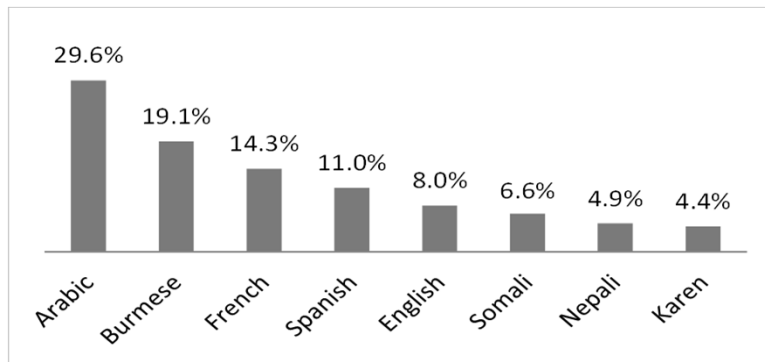
Clients from around the World

- In recent years, many individuals from around the world have resettled in Western New York.
- Many have lived in refugee camps in countries close to their home, and have come to our community many years after leaving their country of origin.
- Others are fleeing abuse as individuals, who seek asylum when entering, or after arriving, in the United States.
- Since July 1, 2014, CRLS Project staff have represented clients speaking 61 different languages from 88 different countries.

Clients - Top 10 Countries



Clients – Top Ten Languages



Community Stakeholders

The CRLS Project



Who are the community stakeholders?

- There are many organizations that are stakeholders in providing services to individuals who have humanitarian immigration status.
- These organizations serve the communities in many different ways.
- This presentation covers a few, but not all, of the local community stakeholders, with whom the project coordinates to empower the client.

Stakeholders

- Immigrant and Refugee Communities
- Resettlement and Post-Resettlement Agencies
- Refugee/Asylee Community Providers
- Government Services/Collaboratives
- Regional, State, and National Organizations
- Everyone –
 - Our Western New York community is privileged to include refugees and asylees, who add to our workforce, neighborhoods, businesses, and expand our access to cultures beyond our boundaries. Agencies serving the general public also serve our refugee and asylee residents.

Most Important Clients?

- Refugees, Asylees, Immigrants with Humanitarian Status
- We want to focus on hearing the wants and needs as defined by our clients.

Intake Flow

The CRLS Project

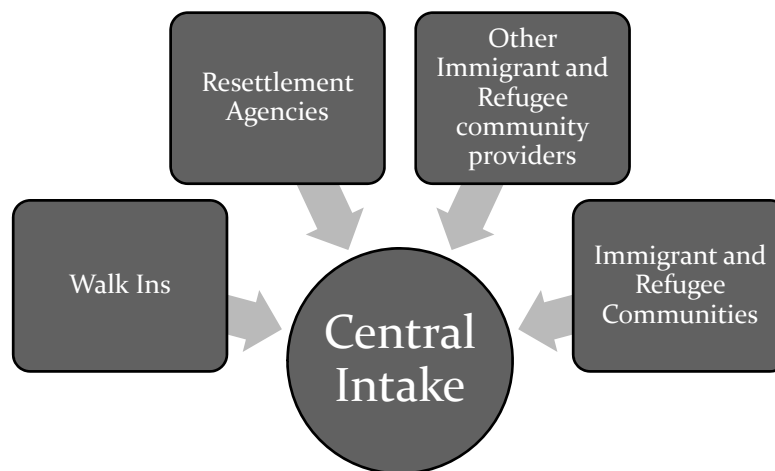


How do clients access services?

Coordinated intake flow from:

- Trained providers:
 - Walk-in Legal Services
 - Resettlement Agencies
 - Other immigrant and refugee community providers
 - Immigrant and refugee community members
- Other community organizations
 - Courts
 - Agencies
 - Public Services
- Field and Outreach intake

CRLS Intake



Walk In Clinics

- The Project staffs regular walk-ins at locations frequented by our clients.
- We also accept walk-ins at the Legal Aid Bureau of Buffalo during normal business hours. Language Line is used.

TRAINED PROVIDERS

Trained providers are those that already have the ability to speak with clients to determine their matter. One referral method available for these providers will be use of a PDF fillable referral form to LABB Central Intake Staff.

The Coordinated Refugee/Asylee Legal Services Project

LABB REFERRAL FORM

The Legal Aid Bureau of Buffalo, Inc.
237 Main Street, Suite 1602
Buffalo, New York 14203
Voice (716) 853-9555, Fax (716) 853-3219

Date of Intake:	Country of Birth:	Country before Entry:
Date of Entry:	Place of Entry:	Status at Entry:
Name:	Current Status:	
Address:		
City:	State:	Zip Code:
DOB:	Gender:	County:
Phone: (h,w,c)		Marital Status:
AI:	SSN:	Other phone (h,w,c)
Referring Agency:	Worker:	Spouse's Name and DOB (if any):
Brief Description of problem:		Worker phone:

Court date pending? No ____ Yes ____
If yes, which court, return date and

Field Outreach

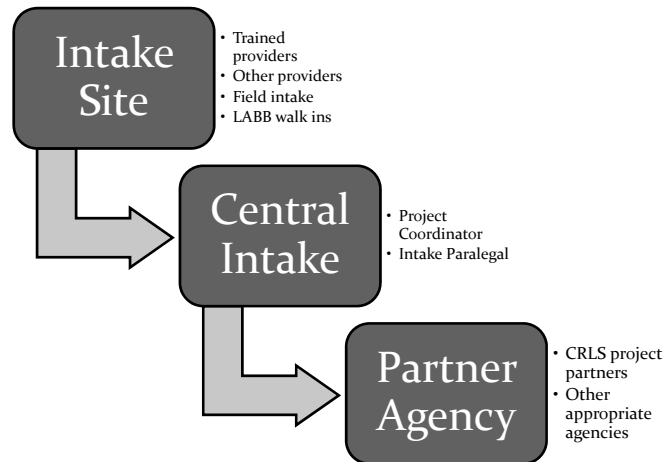
Clients and community leaders select preferred locations, such as:

- Homes of community members
- Religious establishments
- Public libraries
- Cultural Festivals
- Grassroots community offices
- Any place requested by community members

Central Intake: Case Coordination

- Once Central Intake has received referrals from trained providers and organizations, project staff will communicate with partners to identify the best fit for the particular need.
- On some occasions, CRLS partners will determine that another community resource is the best program, and will make the appropriate referral with culturally and linguistically competent supports.

Intake Flow Overview



Interpretation and Translation

The CRLS Project



How do partners and clients communicate?

Project partners use several strategies to provide language access services:

- coordinate to use uniform intake documents and client forms when possible to decrease translation expenses.
- Use the services of agency staff fluent in appropriate languages
- Paid local providers
- Paid telephone providers
- Work on-site with trained providers who have language services

What is the difference between interpretation and translation?

In the context of the CRLS Project, the terms refer to the following:

- **Interpretation:** oral/verbal communication from one language to another
- **Translation:** written transcription from one language to another



The CRLS Project
crls@legalaiddbuffalo.org

*“To overcome cultural and language
barriers is the art of thinking
independently together.”*

- CRLS Project Paralegal

From: [Fidele Menavanza](#)
To: [Lanahan, Jake](#)
Cc: [Karen Welch](#); jowassi@ecbavlp.com
Subject: RE: Learning Lab Materials for 2016 Partnership Conference
Date: Friday, August 19, 2016 3:06:50 PM

Hello,

Please be advised that I previously submitted a final draft of an article I was working on.

Now that it has been recently published, I thought it will be worth sharing the link below.

http://digitalcommons.nyls.edu/cgi/viewcontent.cgi?article=1014&context=impact_center

Otherwise, it will be appreciated if you could print a few copies.

Thank you.

Fidèle Menavanza

Paralegal

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From: Jerry Owassi [<mailto:jowassi@ecbavlp.com>]
Sent: Friday, August 19, 2016 2:07 PM
To: 'Lisa Strand' <LStrand@legalaidbuffalo.org>; 'Karen Welch' <kWelch@nls.org>; Fidele Menavanza <fmenavanza@lsed.org>; 'Connie Joyce' <cjoyce@wnylc.com>
Cc: 'Robert Elardo' <relardo@ecbavlp.com>
Subject: FW: Learning Lab Materials for 2016 Partnership Conference

FYI

From: Lanahan, Jake [<mailto:lanahan@nysba.org>]

Sent: Friday, August 19, 2016 12:46 PM

To: jowassi@ecbavlp.com

Cc: Wagner, Kristen <kwagner@nysba.org>; Bencke, Eunice <ebencke@nysba.org>

Subject: Learning Lab Materials for 2016 Partnership Conference

Hello,

Please let us know if you want any of your materials for the Representing Clients with Limited English Proficiency (LEP): Strategies to improve language access across various systems learning lab printed out for the attendees at the event, all of the materials will be posted online. If you could let us know by the end of the day Monday that would be amazing, thank you.

If you could also forward this email to the other presenters (Lisa Strand, Fidele Menavanza, Connie Joyce, Karen Welch) as I do not have their emails that would be greatly appreciated, thank you.

-Jake Lanahan

**Representing Clients with Limited English Proficiency (LEP):
Strategies to Improve Language Access across Various Systems**

Timed Agenda and Outline

- I. Introduction of Session (15 minutes total)
 - a. 7.5 minutes Overview of New York State's Refugee and Asylee Population
 - i. A description of the various New Americans who resettle in the State. A discussion of their language and legal needs.
By: Sarah Bertozzi, Esq.
Journey's End Immigration Legal Services Program, Buffalo NY
 - b. 7.5 minutes Overview of the Coordinated Refugee/Asylee Legal Services Program (CRLS) in Western New York
 - i. A description of the unique legal program developed in Buffalo, New York including a description of its partners and services. Emphasis will be on the collaborative model and the ways that the Project has empowered various immigrant communities in our area.
By: Lisa Strand, Esq.
Legal Aid Bureau, Buffalo, New York
- II. Lessons Learned from the Activities of the CRLS Member organizations (48 minutes total)
 - a. 8 minutes - Bridging the Gap Between Legal Services Agencies and Immigrants in Your Community
 - How to do effective outreach by meeting people where they are at.
 - Providing cultural and language competency to engage your clients.
By: Fidele Menavanza, Paralegal
Legal Services for the Elderly and Disabled, Buffalo, New York
 - b. 8 minutes - Combatting Victimization in Refugee and Asylee Immigrant Communities
 - Discussion of engaging clients who have been victimized since entering the United States.
 - Discussion of representing various victims of Trafficking, VAWA victims and Victims of Tax Preparer Fraud cases.
By: Jerry Owassi, Program Coordinator
Erie County Bar Association Volunteer Lawyers Project,
Buffalo, New York
 - c. 8 minutes - Empowerment of Immigrant Communities Using Community Lawyering
 - Community Front and Center: Serving from Below
 - What does success look like?
 - Immigrant Communities United for Police Relations.
By: Lisa Strand, Esq.
Legal Aid Bureau, Buffalo, New York

- d. 8 minutes - Tailoring Representation to Immigrant Communities
 - An overview of immigration legal needs in immigrant communities.
 - A discussion on challenges faced upon entering the US as a refugee or asylee.
 - A discussion about providing legal representation to clients facing these challenges.

By: Sarah Bertozzi, Esq.
Journey's End Immigration Legal Services Program, Buffalo New York
- e. 8 minutes - Assisting Immigrant Communities in the Navigation of American Financial Institutions
 - A description of the WNYLC's efforts to provide education and resources to various refugee and asylee communities on financial institutions including banking and loans.
 - Explaining the provision free legal services provided to refugees on a wide range of consumer related matters.

By: Connie Joyce, Community Outreach Coordinator/Paralegal
Western New York Law Center, Buffalo, New York
- f. 8 minutes - Creating Systemic Language Access Changes at the Department of Social Services
 - A brief discussion of the legal requirements for providing language access.
 - Discussion of Neighborhood Legal Services Strategies and approaches to creating greater language access at the Erie County Department of Social Services.

By: Karen Welch, Esq.
Neighborhood Legal Services, Buffalo, New York.

III. Wrap Up and Questions and Answers (12 minutes total)
By: Karen Welch

Sarah A. Bertozzi is the Managing Attorney and Director of the Immigration Legal Services Program at Journey's End Refugee Services in Buffalo, New York. She graduated from the State University of New York at Buffalo Law School where she served on the Buffalo Human Rights Center Advisory Board and as a clerk for the Buffalo Human Rights Law Review. Before joining Journey's End in 2012, she was the recipient of fellowships through the Buffalo Public Interest Law Program, the Buffalo Human Rights Center, and Equal Justice Works – where she gained experience at the New York State Division of Human Rights, the International Institute of Buffalo, the Volunteer Lawyers Project, and the Italian Vice Consulate. Sarah is admitted to practice law in the State of New York, and currently focuses her practice on immigration law for refugees and asylees. Sarah is a member of the New York State Bar Association and the Special Committee on Immigration Representation, the American Immigration Lawyers Association, and the Bar Association of Erie County. She currently volunteers at West Side International Soccer and Hasek's Heroes Refugee Learn-to-Skate Program in Buffalo.

Lisa R. Strand is the joint chief attorney of the Civil Legal Services Unit at the Legal Aid Bureau of Buffalo, Inc. She has worked as an attorney with Legal Aid for nineteen years. Ms. Strand supervises family justice needs, provision of services to New Americans through the Coordinated Refugee/Asylee Legal Services Project, and oversees the Unit's participation with the Erie County Supreme Court Help Desk. Through her work, she has had the privilege of assisting clients with overcoming forced and early marriage, escaping human trafficking, surviving domestic violence, and avoiding honor killing. She is actively engaged in supporting autonomous community power through building membership organizations and developing the capacity of grassroots leadership through community lawyering. Ms. Strand earned her B.A. degree from Houghton College and her J.D. degree from SUNY at Buffalo School of Law. Ms. Strand is admitted to practice in New York State.

Fidèle Menavanza, MS, LL.B. is Paralegal working at Legal Services for the Elderly, Disabled or Disadvantaged of WNY (LSED). Came to the U.S. in 2011, he was born and raised in the Democratic Republic of Congo where he was an Attorney and Diplomat. His work with LSED revolves around community lawyering, cultural competency, and equitable language access. Interested in immigrants and refugees' human rights, he regularly advocates and writes essays focusing on access to justice for new Americans.

Jerry Owassi is originally from the Republic of Congo. He immigrated to the United States in 2012. Mr. Owassi has a BA of Art and speaks four languages. Currently he is working for the Erie County Bar Association Volunteer Lawyers Project as a CRLS Outreach Coordinator/ Paralegal. In his position with the VLP he provides linguistically and culturally competent assistance to Limited English Proficient individuals to help them to get the proper service through ECBA VLP. He assists with the coordination of the six partner agencies in the Coordinated Refugee and Asylee Legal Services Project (CRLS). In the community, he visits various communities to organize and present at outreaches events; talking to clients in their native language and using an interpreter in order to make a direct connection with the clients, and help them overcome the language barrier.

Karen Welch has a BA *summa cum laude* from Le Moyne College. She received her J.D. from the University at Buffalo School of Law where she was an articles editor on the *Buffalo Law Review*. She was the Western Regional Director of the New York Civil Liberties Union for several years.

Currently, she works as a staff attorney in the Public Benefits Unit of Neighborhood Legal Services representing refugees and asylees in a variety of civil matters. She was a staff attorney for Disability Law Unit of Neighborhood Legal Services representing clients under the Protection and Advocacy grants for 14 years prior to this position. Over the years, she has done training for agency personnel, consumers and providers on the NYS Human Rights Law and the Americans with Disabilities Act, Medicare and Medicaid, student loans, vocational rehabilitation issues and employment issues for individuals with criminal histories. She runs a monthly student loan clinic at NLS and has represented hundreds of individuals on various student loan issues over the last ten years.

Connie Joyce is the Community Outreach Coordinator/Paralegal for The Western New York Law Center, which provides free legal advice, counsel and representation to low-income Western New York residents on a wide range of consumer problems. Her focus is making sure that underserved communities in Western New York are aware of the services that are available to them.