

Immigrant Legal Defense (ILD) CSU Immigration Legal Services Project Data Summary July 2021 to July 2022: CSU San Jose (San Jose State)

In the third year of ILD's partnership with our 9 CSU campuses in the Immigration Legal and Education Services Project,¹ ILD attorneys provided 1290 individual consultations to 802 students, 28 faculty/staff, 377 family members, and 83 alumni. We served clients from 49 countries,² who reside in 34 California counties. Our clients ranged in age from young children to individuals in their 70s. Specifically, 3 clients under the age of 18, 1285 between ages 18 and 29, 451 between ages 30 to 49, and 121 over the age of 50. ILD attorneys accepted for full-scope representation 241 DACA renewal cases and 329 other immigration cases. Additionally, ILD continued representation of 661 existing CSU clients in DACA and other immigration relief cases from cases opened prior to July 2021. The other immigration cases include representation in various forms of immigration relief, such as:

- Removal Defense for individuals in immigration deportation proceedings
- Asylum for those seeking protection due to race/ethnicity, religion, nationality, political opinion, or membership in a particular social group
- U visa for victims of serious crimes who have cooperated with law enforcement
- T visa for victims of human trafficking
- VAWA for victims of domestic violence
- Special Immigrant Juvenile Status (SIJS) for individuals under 21 who have been abused, abandoned, or neglected by one or both parents
- Naturalization petitions for U.S. citizenship
- Family Petitions for lawful permanent residency based on a relationship to a spouse, child, parent, or sibling
- Adjustment of Status petitions for lawful permanent residency based on various grounds
- Parole in Place Adjustment of Status petitions to allow for lawful permanent residency for family members of armed service members
- Waivers of Inadmissibility to obtain a pardon to allow for a petition for lawful permanent residency

ILD conducted over 81 presentations, including large presentations, small campus student group events, faculty/staff, or student government meetings, as well as virtually by Zoom, Facebook Live, Instagram Stories, and CSU system-wide webinars. Additionally, ILD attorneys

¹ San Francisco, San Jose, East Bay, Maritime, Stanislaus, Fresno, Bakersfield, Monterey, and San Luis Obispo.

² Afghanistan, American Samoa, Belize, Bosnia and Herzegovina, Brazil, Burma, Cambodia, Canada, China, Colombia, Ecuador, El Salvador, Ethiopia, France, Guatemala, Honduras, Hong Kong, India, Indonesia, Iran, Israel, Italy, Japan, Jordan, Mexico, Mongolia, Myanmar, Nepal, Netherlands, Nicaragua, Nigeria, Pakistan, Panama, Peru, Philippines, Sierra Leone, South Korea, Suriname, Taiwan, Thailand, Togo, Tonga, Ukraine, United Arab Emirates, United Kingdom, United States, Uzbekistan, Vietnam, Yemen.



participated in dozens of meetings with campus student-leaders and faculty/staff for in-depth discussions on requested immigration law and policy topics. ILD also authors a bi-monthly blog on current relevant immigration law and policy topics. In 2021, ILD also started a podcast in collaboration with the Fresno State Dream Resource Center that will also focus on immigration law or policy topics raised by students on the campuses we are serving as well as feature guest speakers from the national immigration law and policy field. Our blog and podcast are available at <https://ild.org/blog/> and <https://ild.org/podcast/>.

At San Jose State between July 2021 and July 2022, ILD attorneys conducted 236 consultations with 155 students, 3 faculty/staff, 71 family members, and 7 alumni. We have served clients from 21 countries: Afghanistan, Burma, China, El Salvador, Ethiopia, Guatemala, India, Indonesia, Iran, Italy, Mexico, Myanmar, Pakistan, Peru, Philippines, South Korea, Ukraine, United Arab Emirates, United States, Uzbekistan, and Vietnam.

We accepted 103 new cases and also continued representation on 116 existing cases in relief that includes DACA, advance parole, removal defense, asylum, U visa, T visa, VAWA, SIJS, naturalization, family petitions, adjustment of status to lawful permanent residency, waivers of inadmissibility, TPS, and removal of conditions from conditional to permanent residency. The San Jose State community also attended regular ILD webinars over the year. Additionally, ILD and San Jose State have collaborated on social media posts to bring awareness to immigration issues as well as promote the resources on campus, including ILD's CSU legal services.

We look forward to the ongoing collaboration with San Jose State's Dream Success Center's team to further expand our reach for students, faculty/staff, and families in need of immigration legal services and education.

Please see the additional attachment with redacted case summaries from several ILD CSU Legal Services Project clients which further demonstrate the immediate impact of quality and accessible immigration legal services have had on the CSU community.

Immigrant Legal Defense (ILD)
CSU Case Stories
July 2021 to July 2022

M, mother of a CSU student, was born in the Philippines and currently lives in the Central Valley. She became a conditional resident based on marriage to a US citizen. In October 2019, M and her husband jointly filed a petition to remove the conditions on residency without the help of an attorney. In Sept 2020, M's husband passed away after a long battle with cancer. In January 2021, M received a notice from USCIS requesting more documentation of their marriage and life together. Although they had submitted bank statements, tax returns and some other documents, USCIS was requesting more proof that the marriage was in good faith. The notice required a response within 33 days or M's conditional residency status would be terminated. Working with a Tagalog interpreter, an ILD attorney worked with M in gathering documents, including medical records of her late spouse and condolence notes she received following his death. ILD entered an appearance before USCIS and represented M in timely filing a response. A few weeks after ILD's response to USCIS, M was granted permanent residency in early 2021.

J, CSU student, was born in Mexico and is a resident of the Bay Area. She has had a U Visa petition pending since July 2016. She met with ILD attorneys in early 2021 and ILD filed an initial DACA application on her behalf, and it was approved 32 days later! J now has DACA while she awaits the adjudication of her long-pending U Visa application. Given the recent Texas court decision staying adjudication of all initial DACA applications, J is one of the very few DACA applicants nationwide to have been approved for initial DACA.

J, CSU staff person, was born in El Salvador and resides in the Bay Area. She entered the US as a lawful permanent resident as a young teenager, joining her US citizen father and stepmother. J signed up for a consultation with an ILD attorney for representation in applying for her citizenship. ILD attorneys advised J that she actually automatically derived US citizenship from her father and could apply for a certificate of citizenship rather than naturalization. ILD is representing J in this application and is working with her to gather the specific types of evidence needed for the application, including identity documents, proof of her father's status and residency in the US, as well as custody documents.

S, CSU professor, was born in Uganda and resides in the Central Valley. When S met with an ILD attorney, she had been a lawful permanent resident for over 37 years. With ILD's help, S filed her application for citizenship. ILD represented her at her naturalization interview and her application was approved. ILD helped S expedite her naturalization oath ceremony so that she may attend her daughter's wedding in England this summer.

D, CSU student, was born in El Salvador and is a resident of the Central Coast. She fled years of physical and sexual violence as a child in El Salvador and reunited with her mother in the U.S. D was then raped within her first year of being in the U.S., but she did not think she could report

the rape because she was undocumented. D is now married to a U.S. citizen. D is still very traumatized from the harms she suffered as a child and finds it very difficult to discuss her past. ILD connected her to a mental health professional that could help her discuss her past and continues to work with D on being able to fully tell her story. ILD also connected her with resources so she could report the rape she suffered in the U.S. to law enforcement. ILD is representing D with applying for asylum, pursuing a U visa petition, and a family-based petition through her marriage.

E, CSU student, was born in Mexico and is a resident of the Bay Area. She struggled for years with trauma symptoms because of a history of family violence compounded by an incident where she was repeatedly stalked by an adult stranger while in high school. E was brought to the US as a child in 2008, so she does not qualify for DACA and grew up without any lawful immigration status. ILD assisted E in applying for a U Nonimmigrant Visa based on her experience as a stalking victim. Receiving a U Visa will put E on the road to US citizenship. During the course of the representation, ILD connected E with a mental health provider who diagnosed her for the first time with post-traumatic stress disorder. E had previously been diagnosed with obsessive compulsive disorder but was not responsive to treatment. ILD is working with E to find a therapist who will take a trauma-informed approach to treating her symptoms. ILD is supporting her in that endeavor.

O and S, siblings of a CSU student, are twins who were born in Laos and are residents of the Bay Area. O and S came to the US at a very young age as refugees. O and S both filed applications for naturalization without the assistance of an attorney and were denied. They then tried to apply for U.S. passports, but the U.S. Department of State would not approve their applications because O and S did not have a lot of requested documents since they were born in a refugee camp in the early 1980s. ILD represented the brothers in their applications for certificates of citizenship with the Department of Homeland Security. O's application was recently approved and he now has proof that he is a U.S. citizen and can apply for a U.S. passport. S's case is still pending, but should be approved shortly.

A, mother of a CSU student, was born in El Salvador and currently lives in the Bay Area. A entered the US 15 years ago, fleeing years of severe physical and sexual abuse at the hands of various family members. Upon arrival A requested asylum, was detained by immigration authorities and eventually was released to live with her brother and sister-in-law in California. Although A provided the address to the immigration court, she was not sent notice of the hearing and was ordered removed in absentia. About 10 years later, A's minor daughter was able to join her in the United States. While searching for an attorney for her daughter, A spoke to an immigration attorney who also advised her on her own case, telling her that she probably had a deportation order and it would be risky to file anything and there was nothing she could do to fix her situation. Shortly thereafter, A's friend approached her about a notario who had been able to get him a work permit. Desperate for some sort of legal status to have stability for her and her daughter, A agreed to pay the notario \$20,000 to file paperwork that she believed was an application to remain in the United States due to her time in the US. In fact, it was an asylum

application and the contents were invented by the notario. The asylum interview was scheduled and A realized she had been defrauded and began looking for an attorney to resolve her situation. She spoke to about 10 private attorneys and nonprofits, all of whom told her that her case was hopeless. Finally, A met ILD through a legal clinic with the CSU where her daughter attends college. ILD attorneys worked with A to file a motion reopen her removal proceedings, and the motion was granted in the spring of 2021. ILD is now working with A on presenting her asylum case and is also representing her daughter in asylum and SIJS.

R, CSU student, was born in Mexico and is a resident of the Central Valley. R came to the U.S. at a young age with her mother and older sibling. ILD is representing R, her mother, and her sibling in petitions for U visas based on the domestic violence they suffered in the U.S. at the hands of R's father. ILD is also representing R in her petition for Special Immigrant Juvenile Status based on the years of abuse from her father. In December 2020, when a federal judge ruled that USCIS must start accepting initial DACA applications, ILD also filed R's initial DACA application. Although a recent court decision stays adjudication of that application, ILD continues to represent R, her mother and sibling and will continue to fight for all remedies in each of their cases.

M, sibling of a CSU staff member, was born in Mexico and is a resident of the Central Valley. She came to the U.S. as a young child with her parents and older sibling. M's father was a victim of a notario scam, and the family ended up in immigration court removal proceedings. In immigration court, they were represented by an attorney who has been disbarred for his rampant bad legal advice. When she was only 12 years old, M's family was ordered removed from the U.S. ICE came to her family's home when M was in her early 20s, took her parents and older brother from the home and deported them. M was left to care for her young U.S. citizen sibling. Shortly thereafter and in part due to her dire circumstances, M began a relationship and soon married her husband. Shortly after the relationship began, M's husband began physically and emotionally abusing her. M's husband is a US citizen and he used her lack of immigration status against her. M has four young US. citizen children and remains in the abusive marriage, as she feels she has no way to leave him and support her children without having lawful immigration status. ILD is representing M in a motion to reopen before the Board of Immigration Appeals to allow her to file for Cancellation of Removal under the Violence Against Women Act due to the ongoing abuse she suffers. ILD has also connected M and her children to a mental health provider and other resources for those experiencing domestic violence.

M, CSU student, was born in Turkey and resides in the Bay Area. Due to visa complications, M's student visa was revoked by DHS during secondary inspection at the San Francisco airport and DHS planned on deporting him immediately to Turkey. M expressed a fear of returning to Turkey as gay male who had suffered years of sexual assault as a child for being effeminate. M was temporarily released and allowed to enroll in his school, but had no idea how to proceed in his case or what next steps were needed to avoid future detention and deportation. ILD assisted M in obtaining and pass a credible fear interview with the asylum office and is now representing M in his asylum case before the non-detained immigration court.

A, CSU recent alum, was born in Mexico, and is a resident of the Bay Area. A attended one of ILD's first legal clinics in the fall of 2019, when she was still a student. A was eager to seek immigration legal services because she had recently obtained a law enforcement certification that is the first step in applying for a U visa. A is a domestic violence survivor who reported her former partner to law enforcement. She had been receiving counseling services from the campus mental health/domestic violence center. In collaboration with her counselor, ILD attorneys assisted A in applying for a U visa, which is currently pending. Given the current 15 year wait for processing times for U Visas, A is fortunate to have another option for immigration relief. In January 2021, A let her ILD attorney know that she recently married her current partner, a US citizen. ILD is now representing A and her husband E in a family petition that will lead to a quicker path to residency. A and E are expecting their first child this year.

Y, CSU student, was born in Pakistan and is a resident of the Bay Area. She entered the United States on a student visa to study computer science. While in valid student visa status, Y applied for asylum because of her fear of religious persecution in Pakistan. She did not have an attorney. For over one year, Y awaited a resolution to her asylum application. She called the asylum office on her own, but received no clear information. Y consulted with an ILD attorney who discovered that the asylum office erroneously referred her case to immigration court, and she was ordered removed by an immigration judge in her absence. Y never received notices from the asylum office or the court. An ILD attorney contacted the asylum office and filed a Freedom of Information Act request. The ILD attorney discovered that the asylum office sent Y's notice to the wrong address and therefore the court also sent her notices to the wrong address. The ILD attorney also determined that the asylum office never should have referred her to immigration court. After months of advocacy, the ILD attorney worked with an asylum officer and an attorney with ICE to reopen and dismiss Y's immigration court case. Y's case is now reopened at the asylum office, where ILD will represent her in pursuing her asylum application.

L, CSU student, was born in Mexico and is a resident of the Central Valley. L currently has DACA. Her mother became a Lawful Permanent Resident through marriage after L turned 21 so L could not be included in her mother's application. Sadly, L and her mother were misinformed about the family petition process for L and no petition was filed by L's mother for her in the nearly 10 years that she has been a Lawful Permanent Resident. Upon consultation with ILD, an ILD attorney informed L and her mother that a family petition by her mother should be filed immediately as L has 245(i) protection and will be able to eventually apply for her residency without having to leave the US. Unfortunately, the wait time for a family petition by a lawful permanent resident parent for an adult child is currently many years long, but L is at least on the path for citizenship now. ILD is representing L in her pending family petition and will hopefully be able to eventually apply for L's residency once her visa number becomes current.

R, father of CSU student, was born in Mexico and is a resident of the Central Valley. When ILD met R at a consultation, R had been a Lawful Permanent Resident for over 30 years. He had been

anxious to apply for citizenship on his own and was unable to afford counsel. ILD prepared and filed his naturalization application, and in early summer of 2021 represented R at his naturalization interview. His wife and daughter eagerly waited for him in the car during the interview and exclaimed, "now you can vote!" when he shared the good news of his approval and swearing in as a U.S. citizen on the same day.

L, CSU student, was born in El Salvador and resides in the Bay Area. When ILD met L, he along with his parents and brother were in U nonimmigrant status and needed to apply for their permanent residency. After speaking to the family members and reviewing their files, ILD advised the family that the in absentia removal orders they all had obtained in court was not disclosed in their U visa applications, along with other facts that needed to be waived. ILD worked to obtain FOIA requests for the family, as well as a declaration of the prior attorney given his ineffective assistance of counsel. Given the complexities in their cases, ILD worked for several months with all four family members to prepare and file their applications for adjustment of status. After their residency is granted, ILD will represent all four in their motions to reopen their removal proceedings in order to terminate their past removal orders.

L, CSU student, was born in Mexico and resides in the Central Valley. L consulted with an ILD attorney to renew her DACA status. In the course of the consultation, the ILD attorney determined that L is also eligible for a U visa due to a violent home invasion she suffered. ILD filed L's DACA renewal application and is helping her pursue a U visa. Additionally, L learned that her grandmother, who raised her in Mexico, fell ill and only had a short time to live. L contacted the ILD attorney to request assistance with an application for emergency advance parole. Within a week, ILD filed L's advance parole application and it was granted. L is now back from Mexico and was able to lawfully return to the United States after her visit.

M, brother of CSU staff person, was born in Mexico and resides in Southern California. ILD did an urgent consultation with a CSU staff person when M had been arrested by ICE at his home the previous day and the family was desperately looking for representation. ILD got involved immediately and was able to get in touch with M, who was being held locally and was awaiting transfer to an ICE detention facility. Despite having lived in the US since he was a young child, he was undocumented and was being threatened with deportation to Mexico. His detention and deportation had ripped him away from his four United States citizen children, his long-time partner of 17 years, his mother and his siblings. ILD immediately filed a request for his release with ICE and collaborated with the California Collaborative for Immigrant Justice on a media campaign demanding M's release. After sustained public pressure for M's release, ICE released him back to his family on a bond, payment for which ILD was able to secure through a local bond fund. In addition, the immigration judge agreed with ILD that ICE had not properly charged M with deportation and granted ILD's motion to terminate M's removal proceedings. M is now no longer in jeopardy of deportation. Once M's children turn 21, ILD will reassess his eligibility for lawful permanent residency through one of his children.

D, CSU student, was born in Ghana and resides in the Central Coast. He reached out to ILD after he filed his application for naturalization on his own. He had already been denied naturalization once and ILD immediately filed a FOIA to get a full copy of his immigration file. Upon reviewing the record, it became clear to ILD that USCIS suspected that D had committed fraud related to a prior marriage (despite there being no basis for the suspicion). ILD prepared D extensively for the interview, which included D providing a lengthy statement to USCIS on their questions related to marriage fraud. At the end of the interview, USCIS recommended D for naturalization and he is now a United States citizen. D is also now married to a new wife, O, who lives in Ghana and ILD is currently representing her in their process for him to petition for her to become a lawful permanent resident and join him in the United States.

N, CSU student, was born in Mexico and resides in the Bay Area. N has DACA and is married to a U.S. citizen. When N met with an ILD attorney, she learned that as she last entered the United States on a visa and, because she is married to a U.S. citizen, she qualifies to apply for lawful permanent residency without having to leave the United States. This removed an enormous burden and fear from N and her family. ILD is representing N and her husband in the process of filing a concurrent spousal petition and application for permanent residency. She will be eligible for U.S. citizenship three years after becoming a permanent resident if she continues to live with her husband.