

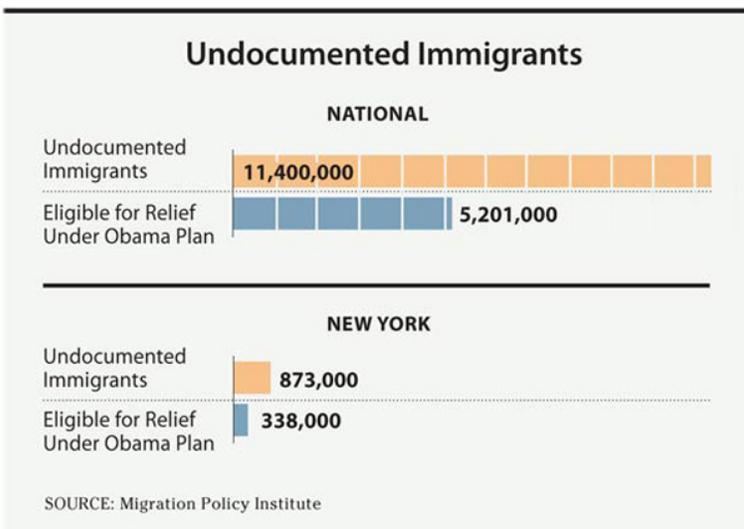
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Agencies Gear Up to Help Immigrants Gain Legal Status

Tania Karas, New York Law Journal
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Weeks before President Barack Obama announced sweeping changes to the nation's immigration system Thursday, New York's legal services providers began pulling together a plan to help tens of thousands of New Yorkers now eligible for legal status.

Obama's executive action, while not a path to permanent residency or citizenship, will temporarily shield more than five million from deportation—nearly half of the country's undocumented population—and offer them work permits. There are about 338,000 eligible undocumented immigrants in New York, according to the Migration Policy Institute, and the vast majority live in the New York metropolitan area.



The largest piece of the new program covers about four million undocumented parents of U.S. citizens or permanent residents. To be eligible, they must have lived in the United States for five years and pass a background check. An additional one million fall under expanded criteria for the Deferred Action for Childhood Arrivals program, which has been in place since 2012, as well as loosened restrictions for high-skilled workers awaiting green cards.

Nonprofit legal services providers such as the New York Legal Assistance Group, The Door and Legal Aid Society, already deeply involved in assisting a wave of unaccompanied immigrant children appearing in immigration court for so-called "rocket dockets," have pledged to step up.

"The New York legal community is ready to run with it," said Eve Stotland, director of The Door's legal services center. "We have the infrastructure and partnerships already in place from [Deferred Action for Childhood Arrivals] and the rocket docket, and we know we're able to mobilize a plan."

NYLAG said it is already fielding inquiries from potential clients via a hotline and email address it set up last week.

But people cannot file an application quite yet. Various parts of the federal administrative program will take between three and six months to take effect, according to U.S. Citizenship and Immigration Services.

That time period allows legal services providers to hold informational sessions and start screening potential clients for their eligibility.

"Our model, first and foremost, is to provide accurate information so people know what their options

are," said NYLAG's attorney-in-charge, Yisroel Schulman. The group has scheduled two walk-in legal clinics Nov. 23 and Dec. 7 where immigrants can receive a free legal consultation.

The Legal Aid Society said it is awaiting more information from the federal government before holding any clinics. In the meantime, it will help existing clients and those who email or call its immigration unit in collecting necessary documents so they are ready to apply in the coming months.

"We have our work cut out for us," said Jojo Annobil, attorney-in-charge of the Immigration Law Unit.

Several attorneys are cautioning people against filing an application without first seeing an attorney, even if they are sure they fit the requirements. "Someone may not even know they have an outstanding order for removal, so a family member's application could trigger their removal," said immigration law professor Lenni Benson, who directs New York Law School's Safe Passage Project for unaccompanied immigrant youth.

For that reason, Benson added, many qualifying, undocumented immigrants may choose not to take part in Obama's program.

The Mayor's Office of Immigrant Affairs is organizing a task force of dozens of city agencies and social services providers. It will announce a series of clinics and application workshops later this year.

In a statement Thursday, Mayor Bill de Blasio announced the city would host a Dec. 8 meeting of at least 20 mayors from across the country to discuss how to enact Obama's executive order at the city level.

This fall, New York City and two charitable organizations pledged \$1.9 million to fund legal representation for unaccompanied immigrant children appearing before immigration judges ([NYLJ, Sept. 24](#)). That was on top of \$4.9 million the City Council approved in June to expand a public defender system for immigrants facing deportation, the first such program in the nation.

And last month, City Council passed bills barring the police and city's Department of Correction from honoring federal detainer requests without a warrant from a federal judge ([NYLJ, Oct. 23](#)).

In his speech, Obama characterized his executive action as a refocusing of federal immigration enforcement to deport only those who pose threats to national security.

"Felons, not families. Criminals, not children," Obama said. "Gang members, not a mother who's working hard to provide for her kids. We'll prioritize, just like law enforcement does every day."

But several lawyers said the plan does not go far enough. Some said they hoped it would cover parents of those who have gained temporary legal status through the existing deferred action program. And because the changes do not cover recent arrivals, they also won't help the 70,000 unaccompanied immigrant children who crossed the Southern border in the past year and face expedited deportations.

"I think it was a humane gesture for the president to reach out to Congress and see if they're interested in fixing a broken immigration system," Annobil said of Obama's address. "Meanwhile, people keep suffering. This at least gives some of them a measure of relief so they don't need to keep looking behind them, afraid someone will deport them."

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