Haiti TPS: Protections, Challenges, and Possibilities

When someone comes from another country it’s because they want to live and they’re looking for safety,” says Ricardo,* who fled Haiti several years ago and came to the U.S. with his wife. Leaving their home in Haiti was hard. “We young people are supposed to be coming up and leading our country,” he says. “But the power that’s in place has forced us out through violence and made us afraid to live in our country.”

The Protections: Safety & Survival

As Haitians living in the U.S., Ricardo and his wife are eligible for Temporary Protected Status (TPS), a protection that allows people in the U.S. to remain when safe return to their home country becomes impossible. TPS also provides access to a work permit, a document that is essential for safety and survival.

As ILAP’s Policy and Outreach Attorney Lisa Parisio explains, “While TPS - which does not provide a pathway to citizenship - is no substitute for the permanent protections that millions of immigrants in the U.S. need, it matters tremendously to safeguard human lives.”

Haiti was most recently designated for TPS in 2021 due to the country’s political upheaval and violence, a reality directly linked to past and ongoing U.S. and French imperialism, racist economic systems, and unparalleled environmental destruction.

“Everyday people are dying,” reflects Peterson,* who was also forced to flee Haiti and now lives with his family in Maine. “A joy for me was when they said they were granting TPS to [more] Haitians,” he says. “That made me happy.”

The Challenges: Bias & Backlogs

Once in the U.S., Haitians and other Black immigrants must navigate a racist immigration system. Last fall, just months after the announcement of Haitian TPS, U.S. Border Patrol on horseback attacked Haitian families

* The names in this story have been changed to protect our clients’ identities.

Haiti TPS / Continued on Page 3
A Message From Our Executive Director

It is ILAP’s unique structure that makes us a powerful advocacy voice.

As new groups of immigrants arrive in Maine, we are working to adapt and expand our services. We are also investing in collaborations with partners to change the immigration system that is failing our clients and country.

Three years ago, ILAP staff and pro bono attorneys identified serious problems and high denial rates at the Boston Asylum Office. In response, we teamed up with the Refugee and Human Rights Clinic at the University of Maine School of Law, ACLU of Maine, and Dr. Basileus Zeno to investigate our concerns.

As you will read in this newsletter, our findings were published in a report that got national media attention and sparked leading members of Congress to call for a formal review of the Boston Asylum Office. We continue to push for action and are hopeful it will lead to real change in how asylum cases are adjudicated.

It is ILAP’s unique structure that makes us a powerful advocacy voice. Through our direct legal services and outreach, we have a concrete understanding of how immigration policies and procedures impact those in the immigration system. We then bring together impacted communities, allies, and national partners to advocate for systemic solutions.

Our distinctive role was evident again last fall, when we launched a project to help Afghans in Maine try to reunite with loved ones stranded in Afghanistan and help those evacuated to the U.S. apply for legal status. Through our legal work and close connections with Maine’s Afghan community, we recognized their inadequate immigration options and, together, turned to advocacy.

In this newsletter, you will read about our collective work to push for passage of the Afghan Adjustment Act. If passed, it would provide permanent legal status to Afghans evacuated to the U.S. and represent another small step towards justice.

As we face new challenges and victories together, we will continue partnering with immigrant-led groups to understand and elevate their priorities, address their legal needs, and work together to advocate for a more just immigration system.

Visit our website at ilapmaine.org to learn more. As always, you can also sign up for our email updates at signup.ilapmaine.org and follow us on Facebook and Twitter.

Thank you for your support and solidarity.
When the Unitarian Universalist Church of Brunswick (UUCB) burned down 11 years ago, many organizations provided support to build a new church. UUCB began hosting concerts to raise money for the building fund and, once it was paid off, wanted to give back to the community that had supported them. The result was Concerts for a Cause.

Concert Committee member Louise Gephart says, “Concerts for a Cause allows people in the wider community...to enjoy a great time as well as to contribute to organizations in the community. What could be better?”

ILAP was honored to be selected, alongside Mid Coast Hunger Prevention Program, for the 2019-20 Concerts for a Cause. After two years of postponed concerts, UUCB was able to host their long-awaited series, raising over $3,000.

“We are not in the business of re-inventing wheels,” explains Rev. Dr. Kharma Amos. “There are so many organizations, like ILAP, who are centered in vulnerable or marginalized communities; they know what is needed and are working in relationship with the people most affected...We do our best work in collaboration and are happy to partner with so many organizations.”

One third of the money raised through Concerts for a Cause supports the church and the other two thirds goes to local non-profits. Over the last decade, Concerts for a Cause has raised $25,000+ for 11 non-profits.

“As Unitarian Universalists, we believe in justice, equity, and compassion in human relations,” reflects Concert Committee Chair Susan Michaud. “ILAP helps many Mainer with the asylum application process, helps their families stay together, and helps them to improve their immigration status...that is justice, equity and compassion!”

We are so grateful to UUCB for bringing great music to our community while directly supporting organizations making a difference in Maine!

Head to uubrunswick.org/programs/concerts-for-a-cause to find a list of upcoming concerts. If you’re feeling inspired to support ILAP in your own way, visit ilapmaine.org/grassroots-fundraising!
Congress Calls on DHS Inspector General to Investigate Boston Asylum Office Based on ILAP Report

In May, Senators Markey and Warren, Representative Pingree, and others delivered a letter calling on the Department of Homeland Security Inspector General to open an investigation into the Boston Asylum Office. Their letter was sparked by the findings of *Lives in Limbo: How the Boston Asylum Office Fails Asylum Seekers*, a report ILAP published with the Refugee and Human Rights Clinic at the University of Maine School of Law, ACLU of Maine, and Dr. Basileus Zeno.

The report analyzed extensive documents produced by U.S. Citizenship and Immigration Services (USCIS) in a Freedom of Information Act (FOIA) request and more than one hundred interviews. Our findings were clear and disturbing: the Boston Asylum Office’s asylum grant rate is half the national average due to racial and language bias, burnout, and other due process-eroding pressures.

In October, ILAP and our co-authors sent a letter endorsed by more than 40 organizations and law firms to New England members of Congress, calling for more oversight on the bias and lack of access to asylum at the Boston Asylum Office. Learn more at ilapmaine.org/impact-litigation.

Biden Administration’s Inconsistent Use of TPS Protects Some, Leaves Others in Danger

The Biden administration’s quick designation of Temporary Protected Status (TPS) for Ukraine after war broke out was a clear and effective use of this life-saving protection, in line with Congress’ intent in creating TPS. However, the administration’s use of TPS has been inconsistent, with delayed or denied protection for other countries facing humanitarian emergencies and war.

The administration announced in July that current TPS holders from Venezuela would continue to be protected, but declined to allow those who more recently arrived in the U.S. to apply. ILAP continues to call for expanded protection and rejects the ongoing politicization of people from South and Central America seeking safety in the U.S.

In September, ILAP researched and drafted a letter as part of its work in the Temporary Protected Status–Deferred Enforced Departure Administrative Advocacy coalition, calling yet again on the Biden administration to immediately designate TPS for Ethiopia given the impossibility of safe return. This letter, endorsed by more than 100 organizations, was part of a sustained advocacy effort for more than a year. In October, Ethiopia was designated for TPS, a long-overdue decision that will safeguard an estimated 30,000 Ethiopians in the U.S.

ILAP joins ongoing calls for new TPS designations for Mauritania, Mali, and Guatemala. Hear directly from TPS applicants in this issue’s cover story and learn more here: tpsdedaac.org.

ILAP Remembers Lives Lost in San Antonio

ILAP continues to call for the end of the racist and deadly Title 42 policy. Title 42, put in place under the previous administration and continued under the Biden administration despite promises to end it, uses the pretext of public health and COVID-19 to block people from exercising their right to seek asylum.

As noted in the cover story, Title 42 disproportionately impacts Black Haitian migrants seeking safety. A recent FOIA request also revealed that as of May 2022, more than 30,000 children under age 3 in need of protection had been expelled under the policy.

When people – who are already fleeing for their lives – do not have access to asylum at the border, they are forced into even more harrowing situations. In June, more than 50 migrants lost their lives in the back of a tractor trailer in San Antonio, Texas. ILAP mourns all impacted by this preventable tragedy caused by U.S. policy.

In September, Reuters reported...
It has been more than a year since the U.S. withdrew from Afghanistan and the Taliban seized control. ILAP’s Afghanistan Project continues to work alongside local and national partners to respond to the urgent needs of Mainers with loved ones in Afghanistan and to assist in meeting the legal needs of Afghan evacuees resettled in Maine.

Over the last few months, we have celebrated some policy announcements such as TPS for Afghanistan, asylum requirement exemptions for Afghans who may have been forced to interact with the Taliban while in Afghanistan, and a shortened Special Immigrant Visas (SIV) process.

But Afghanistan Project Attorney Catherine Lindgren says, “too little is being done by our government to save the lives of those left behind after two decades of war, and to provide a path to permanent stability for those who have made it to the U.S.”

Afghans Left Behind

Tens of thousands of Afghans who worked with American forces and applied for SIVs remain trapped in Afghanistan, on the run from the Taliban. Their lives are at risk due to U.S. bureaucracy and backlogs.

Similarly, according to a recent investigation by Reveal, data from USCIS shows that more than 66,000 Afghans applied for humanitarian parole (HP) between July 2021 and May 2022. Of those, only 132 were approved. HP would give Afghans who remain in danger in Afghanistan or third countries a pathway to temporarily come to the U.S. to seek safety, but USCIS argues that HP is not the appropriate tool to seek safety in the U.S.

Afghan Evacuees in the U.S.

ILAP has been working alongside other members of the Evacuate Our Allies Coalition to advocate for the Afghan Adjustment Act (AAA) and celebrated its historic bipartisan and bicameral introduction in August. Throughout the fall, we have been working to achieve swift passage of the AAA so that Afghans can have a clear path to apply for legal permanent residency.

As of mid-September, 7,000 Afghan evacuees had applied for asylum nationally and just 330 had been approved. The AAA would help provide peace and stability to Afghans whose journey has already been fraught, and it will help ease the burden on our overburdened immigration system.

This summer, the American Immigration Lawyers Association (AILA) recognized the AILA Afghan Response Task Force with the 2022 Michael Maggio Memorial Pro Bono Award. Catherine (third from right) stands with other Task Force members during the award presentation at the AILA Annual Conference on Immigration Law in June.
An evening of reconnecting and reimagining

On the evening of September 20, ILAP was delighted to bring our donors, volunteers, and partners together in-person for the first time in almost three years! We welcomed more than 100 supporters of Maine’s immigrant justice movement to Après in Portland to build connections and imagine a society more fully rooted in shared humanity, compassion, dignity, and respect.

“We are so appreciative of all the people who make our work possible, and this event is our small way of saying thank you,” said Executive Director Sue Roche. “We hope everyone walks away with new inspiration for advancing immigrant rights in Maine and creating a more welcoming and stronger state for all of us.”
Dr. Mariam Raqib (pictured left) of Afghanistan Samsortya, a grassroots organization sowing seeds of change in Afghanistan, was our guest speaker and highlighted the importance of community and connectedness in her work. “I maintain that meaningful, lasting change is only attainable through mutual support, community empowerment, and the commitment of everyday people to support their fellow human beings, be they here in Maine or halfway across the globe,” Mariam shared.

Portland favorite Bondeko, a musical collaboration between Ylli Brekofoa, Namory Keita (pictured far left), and Orson Horchner, charmed the crowd with their energetic blend of musical and cultural traditions. If you couldn’t join us, be sure to check out their new single “Osman Aga.”

And Artists’ Rapid Response Team (ARRT!) hosted an interactive banner-making project with guests adding words and images inspired by the theme “we stand with immigrants.” We look forward to displaying this beautiful banner (pictured right) in our Portland office and during community workshops and events!

Rounding out the night was an oyster bar generously donated by Maine Oyster Company and delicious appetizers from Yardie Ting.

“The event was very classic and beautiful,” reflected guest and ILAP volunteer Magalie Lumiere. And Pro Bono Panel member Daniel Keenan asked us to “please keep planning more events like this one.”

We’ll do just that! So if you weren’t able to join us this year, we hope to see you at a future gathering.

Special thanks to Norway Savings Bank for their generous sponsorship, and to our Development Committee and event volunteers for all their help!
Short-Term Internship, Long-Term Impact

Q&A with ILAP’s Summer Interns

ILAP welcomes undergraduate and law school students as interns each summer. Our internships provide opportunities for students to gain experience and build skills while helping Maine’s immigrant community.

This year, we were thrilled to welcome Sahra Hassan, Izza Drury, and Miki Rierson as ILAP interns. Sahra supported our Immigrant Children’s Project, Izza completed a research project focused on firm resettlement issues among other work, and Miki assisted ILAP’s Forms Program. Hear from each of them about their experiences this summer:

Find the full interviews at ilapmaine.org/intern2022.

What drew you to interning with ILAP?

Izza: As the global community engages with modern challenges including a warming planet and the legacies of colonialism, I am sure that Maine can be a place that not only accepts people who have been displaced from their homes but can provide the resources necessary for Mainers New and Old to lead dignified and empowered lives. I think ILAP is a key place to engage with this work.

Miki: ILAP’s work in supporting immigrant communities both in direct service and larger scale advocacy is what really drew me to ILAP. Not just acknowledging but working to dismantle the bigger power structures that harm immigrant communities alongside direct client work is what’s necessary, and crucial in framing our clients’ issues as symptomatic of a bigger failing in the immigration system.

What is something surprising or important you learned during your time at ILAP?

Miki: Though I had some personal and professional experience in immigration applications, working with such a wide range of clients really elucidated the incredible number of barriers non-citizens face in the immigration system and how inaccessible it is. Additionally, watching my supervisor do so much as a DOJ Accredited Representative definitely has given me more to consider for post-grad plans instead of law school exclusively!

Sahra: While working at ILAP I truly understood just how important human compassion and empathy are. Every time I met with a client I was confronted with unsettling and sad truths…I learned through my client interactions that compassion and empathy can be given silently and not necessarily in a big gesture. I was reminded that my clients didn’t need much from me in those moments of sadness and stress except to be acknowledged in their lived realities by showing presence and understanding.

How did this experience impact you?

Izza: This experience confirmed my interest in immigration and international human rights law, and underscored that immigration attorneys can change their clients lives, and advocacy at the national level is very important to change the systems within which immigration attorneys work as they are currently harmful, racist, and violent.

Sahra: Being at ILAP this summer reaffirmed my desire to work with young people within the immigration system. Although it was hard and challenging at times, I truly felt like I was making a difference and I want to have that feeling every day of my life.

What’s next for ILAP’s interns?

Sahra entered her second year as a law student at the University of Maine School of Law this fall. She plans to continue her legal advocacy next summer as a student attorney at the Refugee and Human Rights Clinic. Miki is currently finishing her senior year at Bowdoin College and is continuing to volunteer with ILAP’s Forms Program. After a year at Northeastern University School of Law, Izza headed to Harvard Law School to finish her studies.

Thank you and good luck to all our interns!

If you are interested in interning with ILAP, keep an eye on our social media and website in late winter/early spring!
The U.S. immigration system is unjust and very complicated, especially if you are trying to navigate it while learning a new language in a new place. ILAP seeks to empower immigrant communities across Maine through community legal education.

ILAP is teaming up with partners to help immigrants living in Maine and those newly arriving learn more about the U.S. immigration system and pathways to protection. We are grateful to our partners from the Angolan Community of Maine, Maine Immigrants' Rights Coalition (MIRC), Preble Street, University of Maine School of Law, Lewiston Adult Education and others, along with the organizations and hotels who hosted us. Thank you for the support and collaboration!

**Maine’s Rural Communities**

Rural Maine Project Attorney Barbara Taylor spends every third Saturday and Sunday in Milbridge, meeting one-on-one with immigrant community members to answer questions about the immigration system. Barbara also (virtually) attends Resources Fairs throughout Washington County and regularly joins community and network meetings across the state.

**Lewiston/Auburn Community**

ILAP recently began monthly workshops in Lewiston with our partner, Lewiston Adult Education. On the 3rd Thursday of each month from 1-3pm, ILAP staff can be found at Lewiston Adult Ed answering legal questions and providing information and referrals. Our first few sessions have been a success!

**Immigrant Youth**

The Immigrant Children’s Project works closely with Preble Street Teen Center staff to identify and address immigration needs of homeless young people. In August, the Teen Center hosted ILAP attorneys Maggie Loeffelholz, Melissa Brennan, and Leah Glowacki and summer intern Sahra Hassan for a presentation and consultations with 20+ Teen Center clients.

**Newly Arriving Asylum Seekers**

Over the last year, Maine has welcomed many individuals and families, most of whom will need to apply for asylum or other form of immigration protection to remain in their new home.

To connect these people with the legal knowledge and support they need to navigate our country’s complex immigration system, ILAP is hosting community legal education events focused on applying for asylum and questions recent arrivals to Maine have about the immigration system. ILAP has offered immigration workshops and presentations throughout southern Maine, including at a number of the hotels where many individuals and families are staying.

ILAP and our partners led a legal education session about applying for asylum for community members at Portland’s Salvation Army.

ILAP Asylum Outreach Attorney Felix Hagenimana teamed up with Staff Attorney Sara Cressey from University Maine School of Law’s Refugee and Human Rights Clinic for a community legal education event at the YMCA in Portland in August.
**Asylum**

Congratulations to the University of Maine School of Law’s Refugee and Human Rights Clinic and their client for an asylum win in Immigration Court. Despite graduating from law school, associate Kelsey Lee was so motivated that she continued on with the case after graduation and, along with the clinic’s Founding Director Anna Welch, represented their client in Court.

Ultimately, their client obtained an asylum win that allowed them to remain in Portland with their son and grandchildren and access much-needed housing and medical care benefits. Thanks for your commitment and determination!

**Immigrant Children’s Project**

Every month, ILAP sees many children eligible for Special Immigrant Juvenile Status (SIJS). ICP continues to recruit and train pro bono attorneys to represent these vulnerable young people.

Congratulations to Pro Bono Panel attorney Jennifer Atkinson and her client on their recent win! With Jen’s help, this young person received a green card, allowing them to secure their future here in Maine. They just started college this fall!

We would also like to congratulate pro bono attorneys Laura Rideout, Nelson Larkins, Mariana Baron, Dan Sonneborn, and Tim Bryant on their recent SIJS wins. Thank you for making a difference in the lives of Maine youth!

**Are you a lawyer in Maine?**

To find out more about providing life-changing representation, contact Michelle Gentry at mgentry@ilapmaine.org, or visit ilapmaine.org/pro-bono-panel.

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**In this section, we share often overlooked giving options that can reflect your charitable goals and make a meaningful difference.**

Split interest trusts, such as charitable remainder trusts (CRT) and charitable lead trusts (CLT), are irrevocable trusts established by a donor and funded with assets from the donor, in which the income interest is separate from the remainder interest. Payments from these types of trusts can either be a fixed dollar amount (an annuity payment) or a fixed percentage of the trust principal (a unitrust payment).

There are expenses involved in setting up and administering a split interest trust, including legal fees for the preparation of the governing trust document, accounting fees for the annual trust income tax returns, and trustee fees for the administration of the trust.

- **What is a CLT?** A charitable lead trust or “CLT” pays an income stream to a charity for a set term of years, and, at the end of the trust term, the remainder is paid out to an individual or individuals.

- **What is a CRT?** A charitable remainder trust or “CRT” pays an income stream to an individual, often the donor, for a set term of years or for the donor’s life and, at the end of that term, the remainder passes outright to charity.

Contact your financial advisor to find out more and decide if charitable trusts are right for you. ILAP also welcomes the opportunity to talk with you about your charitable goals—contact Development Director Laura Simcocko any time at lsimcocko@ilapmaine.org or 207-699-4407 (direct line).

Special thanks to Development Committee member Mariah Mitchell for her help and guidance!

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**BANKWANA**

**Farewell & Well Wishes**

ILAP said goodbye to Emily Burns, who played an integral role in connecting clients with legal support throughout the pandemic and led the growth of our volunteer language program, engaging hundreds of volunteer translators and interpreters. Best of luck at the University of Maine School of Law, Emily!

We also bid farewell to Karen Fox, Esq., who spearheaded our Mendez Rojas Project. Thank you, Karen, for so fiercely advocating for asylum seekers in Maine who had been misled and harmed by the immigration system!

ILAP is grateful for everyone who joins our team. Though Mauricio Montes and Gri Font-Mason’s time with us was short, we are grateful for their hard work and lasting contributions. Thank you also to legal interns Sahra Hassan, Izza Drury, and Miki Rierson. To learn more about our interns’ incredible work, check out page 8!
ILAP welcomed Lisa Parisio, Esq. as Policy & Outreach Attorney. Lisa brings extensive experience in immigration advocacy, working previously as the Director of Advocacy at the Catholic Legal Immigration Network (CLINIC) where she oversaw the organization’s state and local advocacy project and federal policy portfolios.

We were excited for Emma Morgenstern, Esq. to join ILAP’s legal team as a Staff Attorney, bringing increased capacity to serve our clients in both the Portland and Lewiston offices! Emma previously served as an Immigrant Justice Corps Fellow working with the Immigration Project at Volunteers of Legal Service in New York City.

ILAP also welcomed Lauren Abrams to our growing team. Serving through Jesuit Volunteer Corps, Lauren will support the Forms Program and Immigrant Children’s Project. Lauren recently graduated from Boston College, where she worked as a writing specialist and research assistant.

Most recently, ILAP welcomed Kate Turrell as a Paralegal working alongside ILAP attorneys on a wide range of cases. She previously worked as an Immigration Case Manager with the American Civic Association, where she participated in the Anti Human Trafficking Task Force of the Southern Tier.

Treva deMaynadier became a fully accredited DOJ representative this fall – only the second person in Maine ever to achieve this level of accreditation! The same month, Nolwenn Robison became a partially accredited DOJ representative, allowing them to represent clients before USCIS. Congrats to you both!

ILAP has been supporting Ukrainians displaced by the Russian invasion of Ukraine. We have been helping people file applications through the **Uniting for Ukraine Program** and TPS under the recent Ukrainian designation, as well as assisting with work permit applications.

We launched two important awareness campaigns this summer and fall. The first explained how immigrants can avoid immigration fraud. The second shared what immigrants and those registering voters should know about voter registration and voting. Learn more at ilapmaine.org/protect and ilapmaine.org/ilap-news/2022/voting, respectively.

ILAP marked World Refugee Day by joining the **Welcome With Dignity campaign**, which seeks to create a more just, humane, and dignified approach to protecting migrants fleeing danger.

ILAP joined our co-authors to discuss the **Lives in Limbo report findings** during Maine Philanthropy Center’s Summer Learning Series and an American Immigration Lawyers Association (AILA) meeting.

Lisa Parisio presented at Maine Department of Education’s first-ever **Teachers of Adult Multilingual Summer Institute**.

Maggie Loeffelholz and attorney Tori Stenbak presented about Special Immigrant Juvenile Status and issues affecting immigrant youth to the Maine Probate Judges Assembly. Maggie also joined community partner Lucky Hollander for a presentation at Portland Public Schools Multilingual & Multicultural Center about the immigration needs of noncitizen students.

Alice Kopij led a presentation on employment authorization for Maine Department of Labor and Maine General Assistance staff.

Jennifer Bailey and Felix Hagenimana presented to the City of Portland Office of Economic Opportunity’s Natural Helpers cohort.

**Read our latest Annual Report** to learn more about our impact last year and the many supporters who make our work possible.

Visit our website: ilapmaine.org/annual-report to read the report.
Ilap staff are here to help!

To request an appointment with ILAP:

- Call (207) 780-1593 and leave a voicemail message
  Please include your full name, contact information, and a brief description of your legal problem.

- Fill out our online intake request form.
  You can find the form at ilapmaine.org/get-legal-help. It is available in English, French, Portuguese, and Spanish.

ILAP aims to connect as many Maine immigrants with legal support as possible. We are a small organization that receives many new requests each week and are unable to help everyone. Thank you for your understanding!

We have legal resources in many languages available on our website, as well as information about other organizations who can help. Learn more at ilapmaine.org/get-legal-help!

Advance the cause of justice for immigrants in Maine by supporting ILAP today:

- Visit ilapmaine.org/donate to give online or begin a monthly gift

- Transfer a gift of stock or remember ILAP in your will or trust. Contact Laura at LSImocko@ilapmaine.org to explore giving options.

- Send a gift via check to:
  Immigrant Legal Advocacy Project
  P.O. Box 17917
  Portland, ME 04112

- Members of the Maine Bar can contribute to ILAP’s work by donating to the Campaign for Justice, a special collaborative fundraising effort by Maine’s legal community to support legal aid. Visit campaignforjustice.org.