

CLSACC NEWS FOR OUR FRIENDS

COMMUNITY LEGAL SERVICES AND COUNSELING CENTER, INC.

SPRING 2005

THE REAL ID ACT

On May 11, President Bush signed into law the Iraq emergency spending bill which includes the REAL ID Act. The REAL ID Act moved very quickly through Congress without significant debate. It was never considered by Congressional committees with expertise on asylum.

The law fundamentally changes U.S. asylum law and according to the *Wall Street Journal*, the REAL ID Act's asylum changes are "a solution in search of a problem." The Act resurrects several controversial provisions dropped from the final version of the "Intelligence Reform and Terrorism Prevention Act of 2004" due to widespread opposition. According to Cory Smith, Legislative Counsel for Human Rights First, "This bill does nothing to ensure America's security. Instead, it targets the most vulnerable – those fleeing repressive regimes – while doing nothing to make our nation safer."

According to Smith, "the REAL ID Act will place insurmountable burdens on already vulnerable asylum seekers by requiring unrealistic and unfair burdens of proof. For example, some refugees seeking asylum are unable to track down documentation from their persecutors because to do so would jeopardize the safety of family members left behind. This bill would deny asylum and deport a refugee who is unwilling to risk her family's safety to meet this new burden."

CLSACC is among hundreds of non-profit and faith based organizations around the country who are genuinely concerned about the direct life and death consequences the REAL ID Act will have for legitimate refugees. For example, the REAL ID Act would allow many immigrants, including many of CLSACC's clients – asylum seekers, abused spouses and children – to be deported before the completion of their federal court case.

The REAL ID Act will make the services CLSACC offers asylum clients more essential. Expert legal representation and professional mental health affidavits remain two of the most important ways we can continue to assist refugees seeking safety in the United States.

SPECIAL IMMIGRANT JUVENILES

Hundreds of immigrant youth living in Boston are without families. Many came to the U.S. for the same reasons as adult immigrants – to escape religious or political persecution and other dangers in their countries of origin. In some instances, these children have suffered atrocities resulting from war and political unrest, and in other cases, they have been abused or tortured by family members. Added to the other insecurities facing them as strangers in a new country, immigrant youth without documentation face the constant threat of deportation. CLSACC has recently expanded its Immigration Law services to help these young immigrants gain access to a critical legal benefit that will help the children gain control in their lives and become healthy and productive adults.

Under federal law a "Special Immigrant Juvenile" (SIJ) may be eligible for permanent resident status. Two very important benefits start as soon as an individual submits the SIJ application forms to the CIS (formerly INS) – until their case is decided, SIJ applicants are protected against deportation and are granted employment authorization.

Before they can apply, however, SIJs need to obtain specific findings by a probate or juvenile court. The court must find that the SIJ is in the custody of a state, that the SIJ is eligible for foster care due to abuse, neglect or abandonment, that it is not in the SIJ's best interest to be sent back to his or her country of origin, and that family reunification is no longer a viable option for the SIJ.

CLSACC Advocates for SIJs

After representing an orphaned street child from Honduras who walked across Mexico to get to the United States, CLSACC's Legal Director Ellen Wilbur realized the specialized nature of the legal issues facing Special Immigrant Juveniles in probate court. Ellen met with Judge Sean Dunphy, Chief Justice of the Probate and Family Court and, at his request, submitted training materials about SIJs for distribution to probate court judges.

ON THE WEB AT WWW.CLSACC.ORG

FROM OUR CASE FILES: THE CHANCE FOR A BRIGHT FUTURE

“Marie” arrived in the U.S., alone, with nothing but the clothes she had on her back. A family friend had helped her to get out of the Congo after her mother, father and eventually her grandfather were all murdered there. At age 10, Marie had been separated from her siblings and sent to live with her grandfather after her parents were murdered. After witnessing her grandfather's murder a year later, Marie went into hiding. Hungry, and unsure of whether her brothers and sister were alive, Marie eventually made her way to the home of a family friend who, fearing that Marie would be found and murdered if she did not leave the country, arranged her escape. Marie was twelve years old when she found herself alone at JFK airport with no money, no food, no belongings, and not a word of English.



An airport security guard helped Marie to locate an uncle in Massachusetts and gave her money for food and the bus fare to reach her uncle's house. Once in Massachusetts, neighbors put Marie and her uncle in contact with CLSACC's immigration attorney, Valerie Fisk, who will represent Marie in her upcoming application for Special Immigrant Juvenile status. Marie is a teenager now, living with her aunt and uncle, attending school and achieving good grades. In her application for SIJ status, Marie's minister describes her as “a dedicated student with a bright future.”

(To protect the identity of our juvenile clients some details of this profile have been changed)

Donate Online by visiting www.CLSACC.org

On April 1, 2005, Transition House, New England's First Battered Women's Shelter, recognized CLSACC for its work on behalf of battered women.

“TRANSITION HOUSE RECOGNIZES
**COMMUNITY LEGAL SERVICES
AND COUNSELING CENTER**
FOR OUTSTANDING WORK IN THE FIELD
OF DOMESTIC VIOLENCE AND SEXUAL
ASSAULT AT THE FIRST ANNUAL
APPRECIATION LUNCHEON. WE
THANK YOU FOR WORKING WITH
US TO END DOMESTIC VIOLENCE AND
SEXUAL ASSAULT IN THE CAMBRIDGE
AREA AND BEYOND.”

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