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Clinic assists Burmese refugees

NCLC reaches out to immigrants, offers legal aid.

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Knowing there had been an influx of Burmese immigrants in Indianapolis since the Neighborhood Christian Legal Clinic first started an immigrant outreach program in 2001, the **NCLC's** directors saw a need for an outreach program to specifically target the Burmese community, now at an estimated population between 2,000 and 3,000 in Indianapolis alone. Last fall, Ida Coleman Lamberti, who officially resigned Sept. 30 from her job as a civil rights attorney for Maurer Rifkin & Hill, decided she wanted to learn more about immigration law when she learned of the need the **NCLC** had for more immigration attorneys in local publications.

In 2007, of the 3,159 new and pending cases, 585 involved immigration, according to the **NCLC's** 2007 annual report. In all of 2007, the clinic handled 262 adjustments, 50 of which were for Asian immigrants, and 169 U-visas - one of which was for an Asian immigrant - available to noncitizens in some situations and created by the Victims of Trafficking and Violence Prevention Act.

In the first six months of 2008, the clinic has already handled a total of 244 adjustment cases and 191 U-Visas.

Starting in fall 2007, Abby Kuzma, **NCLC's** executive director, started working with Lamberti on an orientation to the immigration practice area. Since January 2008, Lamberti said she has been "on loan" to the **NCLC** from her law firm, which she said has "been very gracious" in supporting her transition to volunteer work.

In June, Kari Phelan started a yearlong stint at **NCLC** as a VISTA/AmeriCorps volunteer, one of eight VISTA/AmeriCorps volunteers the clinic will have on hand for various assignments for 2008-09. While Lamberti assists with the legal immigration needs of the Burmese community, Phelan has been trying to reach out to Burmese immigrants by contacting church and community leaders known for organizing and assisting Burmese immigrants.

The **NCLC** serves immigrants from 104 countries, mostly Latin American and African countries. What makes Burmese immigrants different from other immigrants the **NCLC** serves is their status as refugees based on the declarations by the U.S. Department of State that classifies which immigrants from which countries are eligible for refugee status.

Because of this, the process to adjust a Burmese national's immigration status is pretty straightforward compared with immigrants who are not automatically refugees based on their native country. This is a practice area that virtually all attorneys could learn, even without experience in immigration law, Lamberti said.

The reason to adjust someone's status may not be obvious at first, Phelan added, but working with the project has helped her see the benefit. For instance, adjusting one's status to seeking legal permanent residence, also known as having a green card, makes it easier for immigrants to find jobs and also makes it easier for them to have access to certain benefits that citizens have.

Immigrants are eligible to apply for the adjusted status after living in the U.S. for one year. Immigrants who are able to prove they're eligible for asylee status may also apply to seek legal permanent residence. Five years after they receive an approval for the adjusted status, immigrants are then eligible to apply for full citizenship, which opens more doors.

Another reason immigrants would consider adjusting their status is in case the U.S. were to eventually declare that Burma is no longer a country where immigrants to the U.S. are automatically considered refugees. This could

also mean that the immigrants would need to return to their home country, whether they could emotionally handle it or afford it - or not.

Lamberti and Phelan agreed that what grabs their interest about the work is the stories of the people they've helped, and how they persevere even after spending five, seven, or in some cases up to 10 years in a refugee camp in Thailand or another neighboring country.

In some instances, Lamberti said, the families have four or five children who've only known life in a refugee camp because they were born there.

While Lamberti said she doesn't always get a chance to have a personal relationship with all of the refugees the clinic assists, she does get to learn about their personal stories in their applications seeking permanent legal residence.

"When you have a family of five children, each of them has their own application," she said. "Reading all of their stories in these applications, it gives you a sense of where they're coming from, who they are, what they've overcome."

But to get to that point is no easy feat.

First, the immigrants need to attend an **NCLC** intake, which may take a while to coordinate. Most Burmese immigrants need a translator and someone to take them to the intake, which isn't always easy. At the intake, immigrants receive the necessary paperwork and learn what documents they need to provide, including their I-94 card, proof they've been here for at least one year - such as pay stubs from an employer - information about how to get the required medical exam, and any other documents they may need.

Also, there are very few translators available, and the ones who are available are "stretched very thin," Phelan said, in terms of their time and responsibilities to the Burmese community. Such translators are also expected to assist with English as Second Language courses, homework for the children, and job applications for immigrants who don't speak English but are otherwise able and want to work.

In contrast, translators who speak other languages are more readily available to the clinic, including people who can translate Spanish for Latin American immigrants, or French for immigrants from Francophone African countries. These two groups made up the majority of clients the clinic helped in immigration cases in 2007. Russian translators are also more readily available to assist Russian and Eastern European immigrant clients of the clinic.

After learning about what they need at intake for their applications to change their status, the Burmese immigrants then take home and complete the applications to return at a scheduled time, generally within one to four months, depending on how much paperwork is required, which is generally determined by the size of the family. The family size also determines how long the entire process can take. A single person is much quicker than a family with many children.

Next, the attorney will synthesize the documents and background information provided by the immigrant and make sure it's translated to send to the U.S. Citizens and Immigration Service for approval.

Synthesizing the documents is what takes the longest as an attorney, Lamberti said.

While she couldn't put a time on it, she said that it again depends on how many family members are included in the application. She said there are many numbers that need to be checked and rechecked, and if something doesn't add up, that involves a follow-up meeting or phone conversation. How names are spelled - and whether the names are first or last names - can also hold up an application.

For meetings with the immigrants and the attorney, four schedules need to be coordinated: an immigration attorney at the **NCLC**, a translator, someone to transport the immigrant, and the immigrant. After all the time it takes to coordinate schedules, the meeting only lasts maybe an hour or so to go over the documents to make sure the immigrants know what they're signing.

After the paperwork is sent to be processed, the immigrant may wait anywhere from six to 18 months. Lamberti isn't sure why there is such a range in the waiting times.

Lamberti added that waiting is probably the hardest part for the Burmese clients because after spending up to a decade in a refugee camp, there may be some disbelief in terms of whether the process is really happening.

To help make things run smoother, there are pilot programs planned on the south side of Indianapolis, where many Burmese immigrants live.

A workshop Sept. 27 in Indianapolis included preventative legal education to help immigrants understand the American criminal system. Not because they're law-breakers, Lamberti said, but to explain that certain things that are expected and encouraged in Burma, such as bribing police officers, are not tolerated in the U.S.

The legal education classes are also an opportunity for attorneys who want to volunteer their time to teach about an area of the law where they have an expertise that could benefit immigrants who've recently moved to the U.S., Lamberti said.

Following a legal education class, immigrants will have the chance to attend an intake at another location near the Burmese immigrant community on the south side of Indianapolis Oct. 4.

Phelan said the workshops should bring together more immigrants, attorneys, and translators, and virtually eliminate the need for transportation and schedule coordination for the intake process because of its location. The Burmese immigrants on the north side of Indianapolis could easily be taken there as a group.

After the workshops, Phelan said she plans to evaluate the outcomes to plan future events and make adjustments as needed.

For attorneys who want to get involved, there will be a CLE seminar Dec. 12 for those who may or may not already have immigration experience.

"We're very eager to have other attorneys get involved with our immigration cases who are interested in issues of social justice, citizenship, or the greater good of our community," Lamberti said.

In the meantime, she said attorneys can also contact Kuzma at akuzma@nclegalclinic.org or (317) 429-4131 for more information about volunteering for the **NCLC**.

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