



IMMIGRANT LEGAL ADVOCACY PROJECT

THE IMMIGRATION QUAGMIRE BY ILAP SUPERVISING ATTORNEY SUE ROCHE

“Jose” was working for a traveling carnival when he met Amanda. Amanda was drawn to Jose’s smile, and they hit it off instantly. She went to visit him often as the show traveled around New England. He met the rest of her family, and her daughter Jenna took to him quickly. Jose was like a part of the family by the end of the summer when his job ended. Jose traveled back home to Central America before his visa expired. Finding they missed him very much, Amanda and Jenna visited Jose in Central America.

Jose was granted another work visa, sponsored by the carnival company, so he could return the next summer. When he arrived in Georgia, he found that the company had new owners, and they treated their workers badly. Jose was forced to work long hours, was not allowed to eat lunch, and was paid only a quarter of the wages he had been promised. When Jose complained to the supervisor, he was told that he should be happy to have any work at all.

to hire Jose. Believing he was allowed to switch jobs with his visa, Jose left his job with the carnival and drove with Amanda to Maine.

Jose proposed marriage on Amanda’s birthday, and she accepted. Before they had time to plan the wedding, Jose’s immigration case took a turn for the worse. While driving Amanda and Jenna to the grocery store one day, he was pulled over by the police. They asked him for his driver’s license and he showed his valid license from

Jose thought he’d done everything right, and then everything went wrong.

his country. The police called Immigration, who questioned him and discovered that he was not working for the employer in Georgia. They took Jose away in handcuffs, with Jenna crying in disbelief. Amanda had no idea where he was taken and was distraught.

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ILAP Welcomes New Board Members



Ivan D. Cardona, M.D. is a practicing allergy and immunology physician with Allergy & Asthma Associates of Maine, with privileges at both Maine Medical Center and Mercy Hospital. As the son of Colombian immigrants, he believes in ILAP’s mission and is pleased to give his time and energy to its Board.



Luis O. Garcia, M.D. is a Clinical Outreach Specialist at MaineHealth. As an immigrant from Colombia, he experienced firsthand the challenges of making a life in a new country. He is honored to serve as an ILAP Board member because his work helps fulfill his desire to make a difference in his community and continue the example set by his parents.



Lori Londis Dwyer, Esq. is an associate with Bernstein Shur’s Labor and Employment Practice Group and the Litigation Practice Group. Lori is dedicated to her work for ILAP’s Pro Bono panel, through which she has successfully represented victims of domestic violence and applicants for asylum.



Ron Stegall is retired from helping to expand income opportunities of marginal populations in many of the countries of origin of our clients. He believes that Maine’s economic future is tied directly to an increase in ethnic and racial diversity, and that the work ILAP does is a cornerstone of Maine’s economic progress.

## Message from our Executive Director

### REASONS FOR OPTIMISM

**W**e are living in a remarkable moment. An economic crisis unlike any since the Great Depression grips our country. Unemployment is rising. As ILAP's Executive Director, I see the impact that the economy is having on our clients and their families. I also am not immune from the concern, shared by nonprofit agencies everywhere, about our ability to raise enough funding from grants and donations during this crisis to sustain our critically needed services.

Yet I am feeling optimistic. My optimism springs from many sources. First and foremost, ILAP's clients give me hope. Whether they have come to Maine directly from abroad, or have lived in other parts of the United States before moving to Maine, they continue to come here, as generations of immigrants have before them, with hope in their hearts and firm determination to forge new lives and improve opportunities for themselves and their children.

We hear time and again from ILAP's clients that they appreciate living in Maine because it feels safe, welcoming, and is a good place to work and raise children. This is good news for Maine. Maine officially continues to be the "grayest" state in the nation, according to recently released Census figures, and our labor pool is shrinking as baby boomers age and retire. Immigrants, who view work as a foothold on the road to opportunity, and who have persistent entrepreneurial spirit, hold a key to Maine's ability to survive the current economic downturn and achieve prosperity. At ILAP, we work daily with individuals who will help build Maine's future as a culturally, intellectually, politically, and economically vibrant state.

I am also feeling optimistic because of the Obama Administration's commitment to tackling federal immigration reform this year. Despite everything else on the Administration's plate, from wars to Wall Street, President Obama realizes that Washington can no longer afford to sit and do nothing when we have an immigration system that is entirely broken. The Administration has signaled that it will not only take an



**In March, nearly 600 people joined ILAP to celebrate immigration as our past, our present, and—very much—our future.**

approach that focuses on border security, but also on improving the ways through which workers and families immigrate, and creating a path to legalization for undocumented individuals who have been here to keep their families together or to work and provide opportunities for their families. By the time you read this newsletter, Administration officials will have met with Congressional leaders to create the outlines of a plan for

immigration reform that we hope will be introduced, debated, and acted on in the fall. If you want to follow the federal reform effort as it moves forward, e-mail me at [bstickney@ilapmaine.org](mailto:bstickney@ilapmaine.org) so that I can put you on my e-mail "Action Alert" list.

Finally, I'm feeling optimistic because despite the very vocal voices of a hostile anti-immigrant minority, in March, nearly 600 individuals came to ILAP's "CeleSoirée: Celebrating Immigration through the Arts" event. Those who joined us at the event threw off late-winter cabin fever, the dourness of the economic downturn, and the fears of those who would have the United States shut its doors to new immigrants, to join ILAP in celebrating immigration as our past, our present, and—very much—our future. With the help of our supporters, ILAP will continue our work to ensure that those immigrants who want to, like our forebears, will indeed have the opportunity to make Maine, and this nation, their new home.

*Beth Stickney*  
Executive Director



**Help us fulfill our nation's promise of liberty & justice for all.**  
Become an ILAP PARTNER with monthly online donations at [ilapmaine.org](http://ilapmaine.org)

# PRESIDENT'S LETTER

by Ted Kelleher, Esq.

**I'm here to ask you for money—so please don't stop reading.**

ILAP has achieved wonderful things in the past decade—we've helped thousands of immigrants start new lives here in Maine. We've grown and matured as an organization, adding gifted and dedicated staff members who work tirelessly. We've become an important and respected voice in the public arena here in Maine, speaking out for fair and sensible public policies on immigration matters, in addition to being a trusted resource for those needing individualized immigration legal aid.

Every day, we are mindful that we could not have done all of this without the generous support our community has shown us to date.

**That's why it's hard to ask you for money.**

But the reality is that the demand for ILAP's services continues to outstrip our ability to provide those services. As Maine's immigrant community has grown, more people come to our doors every day in need of help. In the last year, ILAP added staff to help meet the

need. This means a bigger budget, and thus a bigger fundraising challenge.

I know that the economic downturn has hurt people here in Maine, and I know it's forcing you to think hard about how you spend your charitable dollars.

**So let me make the case:**

First of all, ILAP is the *only* agency in Maine that provides immigration law services. If we aren't available to help, no one else is.

*ILAP is not a government funded agency. We do our work entirely with funds we raise.*

*A contribution to ILAP is an investment in Maine's future.* Maine's immigrant communities are culturally vibrant and economically dynamic. Immigrants become engaged and responsible Maine citizens. Immigrants are entrepreneurial. I firmly believe that immigrants will make a crucial contribution to the future health and vitality of our state.

On top of that, I believe that ILAP is a model of the time-honored Yankee value of frugality. We have thought hard about how to provide our services in the most efficient

manner possible. We draw on the talents of volunteers and *pro bono* attorneys in the Maine bar to expand the number of clients we serve. All of this allows us to leverage your dollars to maximum effect and to provide services to literally thousands of people each year, while maintaining a relatively small staff.

And of course, the human stories of strength, courage and hope that you can read in these pages never fail to move me, and I'm sure they do the same for you.

So I can tell you with complete conviction that a gift to ILAP is an excellent way to spend to your hard-earned dollars.

To paraphrase the old infomercial line, I'm more than just the ILAP Board President—I'm an ILAP donor, too. **I'm proud of what my contributions help accomplish, and I guarantee that you will be, too.**

So, with deep gratitude for your generosity, I ask you to make a gift to ILAP today, or when you receive our summer appeal that will arrive in your mailbox shortly. Thank you for helping ILAP continue to uphold Maine's immigrant tradition. □

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## Quagmire continued from Page 1

Frantic to get Jose back, Amanda called ILAP for help. Jose had been detained and was being placed in removal (deportation) proceedings. Immigration didn't want to let him out of jail. They said they thought he had committed fraud and didn't believe he had ever worked for the employer in Georgia. The employer refused to confirm his employment in retaliation for Jose leaving the job.

The couple realized that Jose's case was very complicated, and they would need a lawyer. If the judge agreed with Immigration that Jose had committed fraud, he would be permanently barred from getting his green card even if they married, unless the judge found that Amanda would suffer "extreme hardship," more than the average person would suffer, if he were deported.

Amanda had just been laid off from her job, and had despaired that they could not afford a lawyer until ILAP agreed to take Jose's case. ILAP persuaded the Immigration Judge to release Jose from jail so that he and Amanda could marry and be together during the

proceedings. ILAP filed a residency petition based on the marriage shortly afterward.

Jose's case dragged on for three years due to immigration backlogs and court delays. To add to their stress, Amanda was diagnosed with cancer. ILAP convinced the court to close Jose's case so that he could apply for his residency at the local Immigration office in Maine. When Jose got his work permit, he worked full time to support Amanda and Jenna. Amanda relied on Jose to drive her to her doctor's appointments.

ILAP presented evidence from Amanda's doctors and family, showing the hardship she would suffer if Jose was deported. Jose and Amanda were terrified. If Jose's case were denied, they would either have to choose to live apart forever, or Amanda would have to move to Central America with him, away from her family and away from the medical treatment she needed.

Jose's case was approved and he received an approval notice. But his troubles were not yet over. While waiting for his permanent

resident card to arrive in the mail, Jose's driver's license expired. Under a new Maine law requiring proof of legal status to renew a driver's license, the BMV said his residency approval notice wasn't good enough proof that he was legally here, and denied him a license. Jose was unable to drive Amanda to her doctor's appointments and this brought much stress to the family and to Amanda's health. ILAP contacted the BMV to convince them that the approval notice was sufficient proof of status, and the BMV gave him a driver's license. The next day, Jose received his green card in the mail.

For people who thought they had done everything right, Amanda and Jose could not understand why so many things had gone wrong. But they are delighted and relieved that Jose finally has his green card.

With Jose's permanent residency, Amanda and Jose know that whatever challenges lie ahead, they no longer need fear that they will be forced to live apart. □

# ILAP by the Numbers

## In 2008...

- 2625** Individuals served by ILAP
  - 1878** Individuals **BENEFITED FROM A CONSULTATION** with an ILAP attorney
  - 601** Individuals prepared applications for work permits, protected status, permanent residency, family reunification and citizenship in ILAP's **IMMIGRATION CLINIC**
  - 427** Individuals received **FULL REPRESENTATION** to resolve complicated cases
- 97.3%** ILAP's **APPROVAL RATE** for cases receiving a final decision

- 
- 46** Attorneys on ILAP's **Pro Bono Immigration Panel** represented **83** ILAP clients
  - 11** Asylum seekers represented by ILAP *pro bono* attorneys **successfully gained asylum**
  - 3720** HOURS, valued at **\$558,000**, donated by ILAP's *pro bono* attorneys to ILAP clients
  - 795** Hours of time donated by ILAP's non-attorney **VOLUNTEERS**

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**774** Individuals attended ILAP **EDUCATION & OUTREACH EVENTS**

- 98** **DIFFERENT COUNTRIES** of origin represented by ILAP clients
- 16** Counties in Maine where ILAP clients live

## The Melting Pot

Welcome to new Development Director **Caitlin Gilmet** ■ À bientôt and merci beaucoup to **Jennifer Dimond**, **Adam Johnson** and **Vaishali Mangain** for their service as ILAP Board members ■ ILAP is on **Facebook**. Become a Fan of ILAP or add us as a Cause to receive updates on our work and invitations to ILAP events ■ Welcome to our summer interns: Brandeis University student **Evan Glickman**, University of Maine Law students **Elyse Wilkinson** and **Joe Zamboni**, and Bernstein Shur summer associate **Willette Elder** ■ Non-attorney volunteers have already donated more hours to ILAP in 2009 than in all of 2008—Special thanks to **Gail Kezer** for being our clinic volunteer extraordinaire, and to **Suzannah Pogue, Esq.** for volunteering with ILAP's staff attorneys. ■ Summer outreach season is here—ILAP has traveled to **Aroostook County** to help migrant broccoli workers apply for U.S. citizenship, and will spend three weeks in **Washington County** assisting blueberry workers ■ ILAP attorney **Sue Roche** presented at a Maine State Bar Association seminar in Houlton on The Practice of Law Across Borders, and Beth Stickney presented on Language Access Rights in the Maine State Court System at the MSBA's summer meeting ■ ILAP will be at the **Common Ground Country Fair** from September 25-27. Please contact Meg Bryan if you are interested in volunteering at the Fair ■ Congratulations to **Tanya Rainova**, ILAP's "Volunteer of the Year" in 2008, and to **Anna Welch, Esq.** our 2008 *Pro bono* Attorney of the Year, and **Bernstein Shur**, our 2008 *Pro bono* Law Firm of the Year ■ **ILAP has added 8 attorneys** to its *Pro bono* Immigration Panel in 2009—over 50 attorneys are volunteering, currently handling 66 ILAP cases ■ Congratulations to **Peter Darvin**, **Janet Britton**, **Elissa Tisdahl** and **Jamie Wagner**, who have **won asylum in 2009 for 10 ILAP clients** from Somalia and Djibouti who no longer need fear returning to persecution abroad ■ Thank you and best of luck to *Pro bono* attorneys **Tiana Gierke**, **Chad Olcott** and **Elissa Tisdahl**, who have moved on to other endeavors or places...

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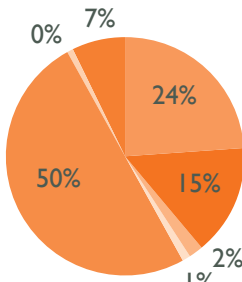
**PRO BONO PANEL**

- |                               |                               |
|-------------------------------|-------------------------------|
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**2008 REVENUE & EXPENSE REPORT**

From ILAP's audited financial statement  
Year ended December 31, 2008

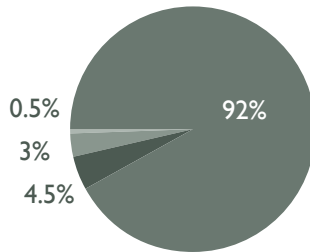
**REVENUE**



Foundation grants	\$274,717	24%
Donations	\$167,604	15%
Fundraising events	\$26,869	2%
Fees	\$11,583	1%
Pro Bono attorney time	\$558,000	50%
Other	\$8,759	1%
Net gains on investments	\$21	0%
Net assets	\$75,869	7%
released from restrictions		

**Total** **\$1,123,422** 100%

**EXPENSES**



Program	\$1,014,284	92%
Office & Admin.	\$29,928	3%
Fundraising	\$54,497	4.5%
Lobbying	\$5,116	0.5%

**Total** **\$1,103,825** 100%

Net operating surplus \$19,597

**2008 Foundation Support**

- Anonymous grant from a Component Fund of the Maine Community Foundation
- The Betterment Fund
- The Campaign for Justice
- The Clowes Fund
- Robert and Dorothy Goldberg Foundation
- International Women's Fund
- Language Access for New Americans
- The Legal Assistance for Victims Grant Program
- Lutheran Immigrant & Refugee Services/ Presbyterian Church USA
- Maine Bar Foundation
- Margaret Burnham Charitable Trust
- Maine Civil Legal Services Fund
- Maine Initiatives
- The Muskie Fund for Legal Services
- Sam L. Cohen Foundation
- United Way of Greater Portland



# All the difference in the world: Thanks to our generous donors in 2008

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## Gifts of \$500-999

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# A VOLUNTEER'S PERSPECTIVE

by ILAP volunteer Melanie Harnden

Until my daughter Meg began working as ILAP's Administrative and Program Associate, I confess I had never heard of ILAP. But in May 2007, I began to volunteer weekly by helping maintain the donor database, prepare mailings, by helping maintain the donor database, preparing mailings, and assisting Meg and ILAP's development staff with various projects.

Prior to volunteering, I had never even considered that there would be a need for the immigration legal aid that ILAP offers. I am probably typical of many Mainers—as we go about our lives, focusing on what is important in our own world, many of us are incognizant

that there are millions of people all over the globe who are suffering from injustice, starvation, slavery, abuse, and genocide. Thousands of immigrants make their way to our shores every year, seeking better lives and living conditions for themselves and their families. Many need a place to feel safe from the constant danger of persecution or death.

Since I began volunteering with ILAP two years ago, my eyes have been opened to the urgent needs of Maine's low income immigrants. I also have learned that the immigration process often is actually very convoluted and

complicated for many. I have become much more aware of the need for the assistance that ILAP provides. I am also amazed by the dedication of everyone involved with this organization and the amazing service they provide to those in need. I am honored to support ILAP's critical work through my volunteer efforts. □

**Melanie's daughter, Meg Bryan, has worked for ILAP since 2007.**



## ADVOCACY Update

**ILAP is working for systemic change on issues that affect immigrants and United States citizens alike.**

**STATE ISSUES:** **Access to Driver's Licenses.** Last year, Maine's Legislature passed LD 2309, Governor Baldacci's bill proposed to comply with the Federal REAL ID Act. LD 2309 took effect on November 15, 2008, and among other provisions, required all applicants for Maine driver's licenses or ID cards to prove they are legally present in the U.S. ILAP immediately began hearing from lifelong U.S. citizens who were born in Canada, as well as from refugees, permanent residents, and other legal immigrants that they were being turned down for driver's licenses. ILAP's administrative advocacy with Bureau of Motor Vehicles management in Augusta has resulted in revisions to their procedures implementing LD 2309 to reduce the number of erroneous denials of driver's licenses. But because the law is fundamentally flawed, ILAP worked with our partners in the Maine Immigrant Rights Coalition (MIRC), especially the MCLU, to support LD 1357 during the 2009 Legislative session to fully repeal LD 2309. LD 1357 was approved by the Legislature on June 3rd, but, to our disappointment, it was vetoed by Governor Baldacci. **Racial Profiling.** Since 2006, ILAP has

seen a dramatic increase in apparent or perceived racial profiling by state and local law enforcement officials directed at immigrants of color, particularly Latinos. ILAP has received testimony from over 100 individuals who were questioned as passengers in cars stopped for routine traffic violations, or while sitting on a bench eating ice cream, or talking on an outdoor payphone. Profiling results in immigrants not trusting police, and erodes public safety if people are afraid to report crimes or come forward as witnesses. ILAP teamed up with key MIRC partners to draft and introduce legislation to begin taking steps to address the issue of bias-based profiling directed at individuals due to their race, ethnicity, national origin or religion. LD 1442 defines bias-based profiling, and creates an Advisory Committee composed of leaders of advocacy organizations and key law enforcement officials to study the issue and propose recommendations that could lead to improved training, education, outreach and possible future legislation based on the Committee's work. The law passed, and represents a positive step forward in addressing the issue of profiling in Maine. **Noncitizen Voting.** Many localities in the United States have passed laws enabling noncitizens residing in their communities to vote in local elections

on purely local matters. State Sen. Justin Alford courageously introduced LD 1195 to permit municipalities in Maine that elect to do so to have the legal ability to let their noncitizen residents vote on local issues. Though those testifying in favor of the bill far outnumbered those opposed, the bill failed.

**FEDERAL ISSUES:** The debate on various immigration bills, such as the DREAM Act to benefit noncitizen youth, AgJOBS, to benefit agricultural workers and agribusiness, and various bills to improve family-based immigration laws, is only just beginning. At this writing, a comprehensive federal immigration reform bill is expected, but has not yet been introduced. Senators Snowe and Collins will be key to our prospects for positive immigration reform. Their staff report that they already are receiving incessant calls from anti-immigrant restrictionists. It is essential that they hear from Mainers who support humane and just immigration reforms as legislation moves forward in the late summer and fall. For more information, check out ILAP's website.

Please contact Beth if you would like to get involved or be added to ILAP's action alert e-mail list, at [bstickney@ilapmaine.org](mailto:bstickney@ilapmaine.org).



# THANK YOU

for making **CeleSoirée** a huge success!

For the fifth year in a row, more than 60 ILAP volunteers transformed The Portland Company warehouse into a beautiful gallery space with over 175 items up for auction, donated by Maine's art and business communities. With the combined support of almost 600 attendees and so many local artists and businesses, ILAP raised more than \$30,000 that will directly support the critically needed legal assistance and advocacy that ILAP provides for Maine's low-income immigrants. Thank you for supporting ILAP through CeleSoirée!

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## Special Thanks to Bree LaCasse

Bree (top photo, below) first came to ILAP in 2004 as a volunteer, interpreting for French-speaking asylum seekers. She then joined ILAP's fundraising event committee and was instrumental in the creation of ILAP's CeleSoirée event. Next, she briefly brought her passion and energy to ILAP's Board of Directors, before finally joining ILAP's staff, professionalizing our fundraising efforts and expanding our grants and donor base. During Bree's time as ILAP's Development Director, we grew from four staff to eight, and doubled the number of low-income Mainers who were able to receive ILAP's legal information and assistance. This would not have been possible without Bree's dedication, drive, and creativity. We wish Bree the best in her new ventures!





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email: [info@ilapmaine.org](mailto:info@ilapmaine.org)

## OUR MISSION

To advocate for and to improve the status and well-being of Maine's low-income noncitizens and their families by providing affordable legal services and by educating and working with service providers, policy makers, and the public concerning legal issues unique to noncitizens.

## MEET our Clients

CLIENTS COME TO US FROM NEARLY 100 COUNTRIES AND FROM EVERY CORNER OF THE WORLD.

**They share a common experience of sacrifice and the dream of a better life for themselves and their families. They inspire hope through their resilience and determination.**

- A young man from Central America whose father was murdered by government forces.
- A Latino child who was abused and neglected by his parents, and placed in foster care in Maine.
- A Cuban who was placed in deportation proceedings when he asked for asylum at the border.
- A West African woman who fled a forced marriage to a powerful and violently abusive man.
- A Somali family that was separated for more than five years because of bureaucratic obstacles.
- A Canadian woman who was afraid of being separated at the border from her husband and children.
- An African woman denied a visa because of the age difference between herself and her husband.
- A Congolese woman who was imprisoned and tortured for organizing a protest march.
- A political activist from Haiti whose work exposing official corruption put his life at risk.



To learn more, visit us  
at [ilapmaine.org](http://ilapmaine.org)