

# TOWARD JUSTICE

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## MEDICAL-LEGAL PARTNERSHIP

# Helping an immigrant family secure safe housing

**M**aria's son caught 16 mice in one night in their apartment. They found fresh rodent feces on their bedding and kitchen surfaces every day. Her daughter had an ongoing eye infection related to the pest situation.

"We were living among animals," says Maria. "Roaches, mice, bedbugs. I had to cover all my food. It was traumatic for us to live under those conditions. When I took the kids to Whittier Clinic, they told us about Legal Aid."

At that time, Supervising Attorney Luke Grundman was working with Whittier Clinic as part of Legal Aid's Medical-Legal Partnership (MLP). He immediately saw that Maria's

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problems fit in the larger framework of lack of affordable housing in the Twin Cities.

“Landlords have all the bargaining power,” says Luke. “That’s especially true for low-income folks. The vacancy rate is so low, tenants feel like they don’t have the option to seek other housing.”

### **Filing Suit Against the Landlord**

This was certainly true for Maria. The landlord threatened eviction, and she was caught between the difficulties of substandard housing and the fear of no housing at all. But with support from Legal Aid, she decided to go ahead with a rent escrow case. The landlord responded with an eviction filing.

In the process of investigation, Luke called in an expert witness, who determined that most of the “mice” in the building were juvenile rats. The building had serious structural problems, including multiple access points for rodents. Two other tenants — both immigrant families — had recently moved out because of the rodents.

“Immigrants are often afraid of the courts even if they don’t need to be,” says Luke. “Maria is not subject to deportation. However, it can still be scary to go to court to challenge the landlord.”

### **Threatening Messages**

Maria received threatening calls during the course of the investigation. The anonymous caller spoke Spanish and said, “I’m reporting you to ICE.” Maria responded by saying that she was in the United States legally. The calls were frightening, but Maria stood her ground.

“Having legal assistance gave me more confidence,” she says. “I had support from my attorney and some friends who came with me to court. I started to think we might win.”

She did win. The court determined that she was entitled to

the return of all the rent she had ever paid. She received a judgment of over \$9,000, plus full rent abatement, additional damages, and attorney fees. Her eviction was dismissed and expunged.

### **Perseverance and Victory**

“This company is one of the larger landlords of multi-unit buildings in Hennepin County,” says Luke. “It seems to go out of its way to attract tenants from the Spanish-speaking community. The Spanish-speaking staff, in particular, makes it seem like a friendly place for immigrants to live. But tenants tell us that when problems arise, the landlord doesn’t make needed repairs. The tenants believe they are being ignored because the landlord assumes immigrants won’t make complaints or take any kind of action.”

After Maria won at the trial and the judgment was awarded, the housing company was still very dismissive. They refused to pay and said, “You’ll never collect.” Fortunately, Luke was able to use legal tools to garnish the whole amount of the judgment. Maria received all of the funds to which she was entitled, and the family was able to move.

“We are living in a better place now,” Maria says. “I learned a lot about my rights, and about standards for housing conditions. We all have rights to decent housing conditions, whether we have documentation or not.”

### **Judgment with Positive Ripple Effect**

The effects of the judgment will reverberate beyond Maria and her family, and even beyond the tenants in that building. Luke was recently in negotiation over a repair issue with one of the company’s agents in housing court. The agent said she knew Luke wouldn’t give up until he got everything he was asking for.

“With Maria’s case, we made things clear,” says Luke. “We won’t go away. We will fight for our clients to the last possible minute.”

# Partnership provides legal lifeline for immigrant students

Three years ago, Mayra Garcia-Rivera, the Family Outreach Specialist for Spanish-speaking students and families in Minneapolis Public Schools (MPS), faced a huge influx of unaccompanied minors with upcoming court dates. She needed legal help, and she needed it fast.

“The new students faced so many unfamiliar things,” she says. “School system, culture, GPA, credits — but for many of them, upcoming court dates were their biggest concern.”

Mayra couldn’t find legal advocates to help the students. Even private attorneys were declining cases. She sent emails to everyone she knew asking for ideas. During spring break, she got a call from an immigration attorney at Legal Aid with the words she’d been waiting to hear: “I think we can help.”

“My prayers were answered,” says Mayra. “That call from Legal Aid was one of the biggest blessings we’ve had as a district.”

## In-School Legal Aid Clinics

Now, Legal Aid attorneys go to Wellstone International High School and South High School at least once a month and meet with students whom the staff has identified as having immigration issues. Attorneys help students figure out their immigration status, discuss next steps, represent some of them in immigration court and refer others for pro bono representation.

“It’s a great partnership,” says Staff Attorney Laura Wilson. “Teachers and social workers are committed to creating a welcoming environment for students and recognizing their needs. School personnel are eager to collaborate with us and learn the immigration process. They can quickly identify issues and help prepare the students to meet with us.”

## Amplifying Immigrant Rights Education

“It’s incredible to have a professional attorney come here,” says Wellstone School Counselor Chris Castellano. “We have students that line up for those two-hour clinics, and sometimes the lawyer ends up staying longer. That service alone is invaluable. They also give Know Your Rights (KYR) presentations for staff, students and families. This past year, Legal Aid joined with me to present to all the school counselors in the district, so they could take the information back to their schools and support their students.”

When Anne Quincy, Supervising Attorney in Legal Aid’s Benefits Unit, heard about the legal clinics at Wellstone, she

joined in the effort. “I think the reason we do immigration work is so people can make full use of their presence here and any path to citizenship,” Anne says. “Immigration is complicated in the way that it impacts eligibility for benefits. A student who is on Medical Assistance not only gets access to health care — they get a waiver for many of their immigration document filing fees. If they make less than \$1,316 at their after-school job, they’re eligible. I tell them, now go to the dentist, get a flu shot, and use the fee waiver.”

## Developing Critical Resources

Legal Aid, Mayra and the MPS General Counsel and communications department collaborated to develop a comprehensive resource page on the MPS website for immigrant and refugee families. The page, translated to Spanish, gives detailed information about parent and student rights, benefits, services and resources.



“Many of our students came to the US to survive,” says Mayra. “They’ve run away from complex situations and they’re often victims of crime. With help from an attorney they begin to believe they can stay. With access to schooling and medical care, and people to help them figure out their worries, a significant shift happens. They begin to focus on their studies, to dream about college and make plans for the future. It touches me personally, every time I see a student’s mindset flip.”

Legal Aid’s work with the schools takes the legal help to where it’s most needed. Students sign up for the appointments or come to workshops as part of their after-school activities.

“Most students aren’t aware of their rights,” says Chris. “We see word-of-mouth information spread after a KYR presentation and that’s good, because before the presentation, there’s a lot of misinformation out there. The lawyers are my go-to experts, and I text them with questions all the time.”

“The attorneys are so responsive,” Mayra agrees. “I send an email about a particular student’s issue, and they’re right there. It’s a terrific collaboration with excellent results—keeping students in school.”

## SENIORS UNIT

# Protecting services for immigrant seniors

**M**ohamed is 68 years old. A legal resident of the United States, he emigrated from Somalia many years ago. Mohamed suffers from post-traumatic stress disorder (PTSD), impaired memory and intellect, and back pain. He is visibly vulnerable and has grand mal seizures that are frequent, unpredictable, and debilitating.

The seizures can occur several times in a week. They render Mohamed immobile for up to a half hour, and he is disoriented and confused for up to 3 hours afterwards. During this time, he is a potential danger to himself and others. Mohamed needs someone nearby all of the time.

### County Provides Services, Then Pulls Back

Because of his disabilities, Mohamed receives Personal Care Assistant (PCA) services. In 2010, Hennepin County Coordinated Health Care (HCCHC) determined that Mohamed was eligible for 11 hours of PCA services per day.

Mohamed's niece Jawahir is his responsible party. She has young children at home, but she advocates for Mohamed and ensures that he has adequate care. She handles his personal business, takes care of errands, and checks in regularly with his PCA.

Over the past 7 years, Mohamed's PCA hours have been cut four times — once to only 2.5 hours per day. The cuts are based on an annual assessment by a Public Health Nurse (PHN). Each time, Legal Aid represented Mohamed in appeal, and each time, the full 11 hours of services were restored.

“We serve a number of immigrant clients,” says Genevieve Gaboriault, Managing Attorney of Legal Aid's Seniors Unit. “They often have difficulty navigating the system without legal assistance. With an attorney's help, they can explain their medical condition to the Human Services Judge and get the help they need to maintain their independence in the community.”



### Legal Action to Restore PCA Hours

Staff Attorney Mike Persellin handled Mohamed's last three appeals. The most recent was in 2017.

“Mohamed's condition has not improved since 2011,” says Mike, who has since retired but continues to volunteer in the Seniors Unit. “There is no supporting medical evidence for the cuts, and each time his hours are cut, it creates tremendous difficulty for Mohamed and for his family. His physician cautioned against any cuts in hours, and that has not changed.”

“It's very hard when my uncle's hours get cut,” agrees Jawahir. “I can't stay with him all of the time because I need to care for my children. Someone needs to be there with him. Without adequate PCA hours, it's very difficult for me to take care of everyone.”

An attorney is not technically required to appeal a cut in services, but the likelihood of success is much greater with representation — especially for people with a limited understanding of English or of the systems involved.

### Annual Review Without Interpreter

“Every year a new person comes to do the assessment,” says Jawahir. “This year, the nurse was in a hurry and there was no interpreter.”



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able to identify many other areas of need. With the expertise we have on staff, we've been able to provide wraparound services to a client who has been through more than most of us could imagine."

### **Legal Help to Build a Better Life**

Legal Aid has worked with Salma on divorce, a VAWA (Violence Against Women Act) self-petition, birth certificates and passports for the children, access to health care, housing options, and public benefits including food support, energy assistance, and tax credits.

Staff Attorney Tracy Roy, one of Colin's colleagues, is also on the case. "Salma is working with half of our office," she says. "Like many of my clients, she desperately needs other services while we're working on her immigration case. When issues arise, we can just go down the hall to get expert advice from colleagues who practice family or housing law, and who are always willing to help."

Salma had been living under such intense manipulation and control for so long, it was incredibly difficult to put together the pieces of her life. The financial and social isolation, along with the lack of any records for the children, meant that she had to prove their existence before applying for any public benefits.

"With no money, free legal help has been so important," she says. "There are so many documents to fill out, it's like your head is spinning around. Some of the processes, such as my daughter's birth certificate, were easy once I had an attorney. Others are very, very difficult, even with legal help."

### **A Plan for the Future**

Salma is now divorced, with sole physical and legal custody of the children. She has a plan for a start-up business to support herself and her children and is working with an organization that helps women entrepreneurs. Meanwhile, Legal Aid's St. Cloud office continues to work through the issues with her, one at a time.

"I had a bad experience with marriage," says Salma. "The marriage itself, then the divorce and figuring all of this out on my own — it's just so extreme. The lawyers here are how lawyers should be — helpful and very fast, very sharp. I'm so thankful to everyone at Legal Aid."

*\*Name has been changed.*

### **Correction**

On page 4 of the Toward Justice Fall 2017 edition, a Legal Aid attorney was quoted as saying: "Green card holders can only receive SSI for five years. If they don't become citizens, they're no longer eligible."

In fact, lawful permanent residents (green card holders) are only eligible for SSI under certain very limited circumstances, and if they do qualify, they can receive SSI without a time limit. Refugees, asylees, and Cuban entrants are eligible for 7 years from the date they entered as a refugee or were approved for asylum status.

Mohamed's records were available to the nurse who performed the assessment. They could see the decisions of two different Human Services Judges reversing previous cuts, and they could see that all prior assessments were performed with a Somali interpreter present. Mohamed and Jawahir were not prepared for a meeting without an interpreter and were not able to communicate easily with the nurse.

"I haven't been able to put my finger on why these cuts happen year after year," says Mike. "Medical records and the nature of the seizures are such that Mohamed's PCA hours should be a slam-dunk. He is clearly incapacitated. I don't know why the PHNs start fresh every year instead of reading his file."

### **Successful Appeal**

In the appeal, Mike referred to the prior decisions and emphasized the communication problems that arise in the absence of an interpreter. Once again, Mohamed prevailed. This time, the judge's decision increased his PCA hours to 11.5.

"Legal Aid helped me very much," Mohamed says. "Things are 100% better."



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Legal Aid has received the Charities Review Seal, given to nonprofits exemplifying quality, ethics, accountability and transparency.

## ST. CLOUD OFFICE

# Putting the pieces back together: An immigrant's story

Salma\* needed legal help and she needed it desperately. “I had nothing,” she says. “No documents, no car, no money. If you have no papers, you are nobody. I came to the United States legally, and I’ve been here for over 10 years, but I feel like I’m just now starting my life.”

### An Auspicious Beginning

Eleven years ago, Salma met Samuel, a U.S. citizen, through a mutual friend. They quickly identified the same values around religion, marriage, family, and children. Samuel spent time with Salma in her home country, they fell in love, and talked about a bright future.

They married soon after Salma’s arrival in the U.S. Samuel said he had filed paperwork for Salma’s green card, but the required interview was never scheduled. The green card

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never arrived. Salma, who was learning that Samuel was controlling and quick to anger, didn’t press the issue. She believed in the dream and worked hard to be the wife that Samuel wanted.

All three of the couple’s children were born at home. No doctors, no hospitals, and no birth certificates. The children were home-schooled, so never had any documentation. Salma was increasingly afraid of Samuel. She tried to manage the escalating abuse and find ways to make the marriage work.

### Abuse and an Escape

When Samuel hit their oldest child for the first time, Salma planned her escape. In late fall of 2015, she took the children to a battered women’s shelter. The shelter advocates told her about Legal Aid’s St. Cloud office.

“Salma dropped into our office with a green card question,” says Staff Attorney Colin Laffey. “But my co-workers are so attentive in their interviewing and counseling that they were

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