



¿QUÉ TAL, LEGAL?

Legal Department Newsletter

Fall 2018

Welcome Westchester

In May of this year we received official approval from the State for our merger in White Plains, Westchester County, finally bringing the staff of the Westchester Hispanic Coalition (WHC) into our Make the Road New York (MRNY) team on paper! Our Westchester legal team includes Immigration, Family, and Workplace Justice legal services. Our immigration department focuses on affirmative applications, removal defense, citizenship and DACA renewals. Our family law department specializes in family court representation for victims/survivors of sexual assault and domestic violence. Workplace Justice, our newest team in the office, represents workers who have suffered from wage theft or workplace discrimination. Attorneys from our immigration legal and workplace justice teams are already leading the fight to pass county legislation to protect the rights of our members and clients. After working tirelessly for over a year, our members celebrated the passage of the countywide Immigrant Protection Act (IPA) in May 2018. Our workplace justice team is newly taking an active role to secure paid sick time for workers in Westchester County.

Although the staff at WHC were already working as one with the legal team prior to the formal merger, we can now officially say that MRNY is ready to build power in Westchester County and beyond. What we can expect in the coming months: continuing the fight for paid sick leave; working with clients to pursue immigration relief and navigating the constantly changing landscape of this administration's policies; and working to build on many years of hard work to welcome new Make the Road members into "La Casa Azul", which the office is known as in the community. We're thankful for all of the hard work that went into making the merger a reality, and look forward to hearing the call ring throughout Westchester County: Si Se Puede!



Some of the Westchester staff in front of Casa Azul



Cutting Edge Litigation

Guzman, et al v. Hecht et al, 18 Civ. 3947 *(DLC) (SDNY)*

Make the Road New York, along with 26 other individual plaintiffs, filed a suit against a law firm, Thomas Hecht and Associates, alleging that the firm engaged in fraud in their representation of the plaintiffs' in their immigration cases. The lawsuit claims that this firm conspired to defraud immigrants residing in New York by telling them they were eligible for a green card (resident status) or other form of lawful status because they had been living in the United States for 10 years and had citizen children. But, what these lawyers were promising does not exist under the current immigration laws. In fact, these lawyers were instead filing asylum applications on their client's behalf without their consent and knowledge. By conducting this scheme, these lawyers were putting their clients in deportation proceedings. Unfortunately, by the time the plaintiffs knew about the fraud it was already too late—the asylum applications were filed and the risk of deportation was real.



Many of our lawyers from the immigration team have worked tirelessly to help bring these cases to light, and as a result of that work, Make the Road New York is also an organizational plaintiff in the lawsuit. We are working in partnership with the Cardozo Immigrant Justice Clinic and the law firm Cleary, Gottlieb, Steen and Hamilton LLC. This case is ongoing, we have 33 total plaintiffs, and we hope this case will serve as a catalyst to stop this kind of fraud across New York City.

Protecting the Right to Guardianship

Make the Road New York appealed a Family Court order denying guardianship to the mother of two brothers, because she is undocumented. The Family Court judge denied the guardianship petition based on her immigration status. We immediately appealed this case for relief from the Second Judicial Department in New York State. We won this appeal and our client's mother was successfully able to obtain guardianship of her children, and the brothers were also thereafter able to submit their SIJS petition to USCIS. Family Courts across the state were reminded that they may not deny guardianship to a parent based solely on the parents' immigration status.



Victories!

Housing Team: Expanding Rent Protections in Bushwick

Members of BASTA know that tenants in buildings built before 1974 with six or more apartments are likely protected from eviction by the Rent Stabilization Law. But even smaller buildings might be rent stabilized.

When the landlord decided to evict long-term tenants Teresa, Salome, and Patricia from a building on Jefferson Avenue, it looked like the tenants had no options—the city had the building registered as three units, and therefore the landlord could choose to evict the tenants at the end of their leases. However, after talking with an attorney from the Housing Team, the tenants explained that the landlord had subdivided the building and created a total of seven apartments. The creation of six or more units makes all of the tenants permanently rent stabilized, even if it was converted illegally, and even some of those units are now vacant or were later demolished.

Teresa, Salome, and Patricia decided to stay and fight the eviction, ignoring the landlord's attempts to harass them and offer them money to leave. In the end, they won their court cases and they have the right to stay in their homes without fear of eviction or sudden rent increases for as long as they want.

MRNY's Housing Team has represented many tenants in similar situations. If you live in a building with fewer than six legal apartments, and you know of additional residential units in the basement or if the owner has subdivided apartments for a total of six or more, then you may be protected by the Rent Stabilization Law. Talk to an organizer to make an appointment with an attorney.



Workplace Justice Team: Fighting Back Against Harassment & Discrimination



Our Workplace Justice Team represented two members who were independently subjected to extreme sexual harassment by their male supervisor at a grocery store. When they rejected his advances, they were fired in retaliation. We filed charges of discrimination at the Equal Employment Opportunity Commission (EEOC) and the EEOC issued a probable cause finding reasonable cause that unlawful employment discrimination occurred.

Through the investigation and interviews with our clients and other witnesses, the EEOC also determined that the employer unlawfully discriminated against a class of female employees, not just our clients. The EEOC's efforts to engage the employer in a voluntary conciliation process were unsuccessful and they will be filing a lawsuit against the employer. MRNY will intervene in the case to represent the individual client members.

Welcome New Staff!



Luis Bautista



Glykeria Tsiokanou



Estee Ward



Marlene Berroa, Denia Perez,
Rachel Levenson



Sarah Leberstein



Paola Rosso



Robert Cornwell

Your Legal Department is

Amy Taylor – Co-Legal Director

Sienna Fontaine – Co-Legal Director

Alexandra Lee – Immigration Staff Attorney

Alexia Schapira – Immigration Senior Staff Attorney

Amanda Bransford – Employment Staff Attorney

Anne Ginsberg – Legal Grants/Contract Manager

Ariel Gould – Immigration Staff Attorney

Aura Zuniga – Housing Senior Staff Attorney

Carlos Vargas – Immigration Navigator

Claudia Garzon – Senior Immigration Advocate

Cristobal Gutierrez – Employment Staff Attorney

David Haro – Immigration Navigator

Denia Perez – Immigrant Justice Corps Fellow

Elizabeth Joynes – Supervising Attorney, Employment

Estee Ward – Employment Staff Attorney

Ezra Kautz – Supervising Attorney, Housing & Benefits

Genesis Miranda – Housing Staff Attorney

Giuliana Urrelo – Outreach Coordinator

Glykeria Tsiokanou – Senior Immigration Staff Attorney

Grace Gomez – Citizenship Advocate

Gustavo Madrigan – Immigration Paralegal

Ida Serrano – Family Law Staff Attorney

Janeth Cambizaca – Immigration Navigator

Jennie Stephens-Romero – Housing Staff Attorney

Jessica Young – Supervising Attorney, Westchester

Jorge Garcia – Legal Program Associate

Katherine Ruiz-Boada – Immigration Advocate

Keiry Sanchez – Immigration Paralegal

Kendal Nystedt – Immigration Staff Attorney

Laura Tenecora – Immigration Navigator

Luis Bautista – Immigration Staff Attorney

Luz Ballinas – Senior Immigration Paralegal

Luz Camargo – Intake Counselor/Case Manager

Luis Leon – Immigration Law Fellow

Marlene Berroa – Immigration Paralegal

Mel Gonzalez – Employment Advocate

Natalia Renta – Immigration Staff Attorney

Nubia Duque – Citizenship Advocate

Paola Rosso – Housing and Benefits Advocate

Rachel Levenson – Immigration Legal Fellow

Robert Cornwell – Housing Staff Attorney

Rocio Salazar – Immigration Navigator

Sarah Leberstein – Senior Staff Attorney/Workplace Justice Coordinator

Scott Foletta – Immigration Staff Attorney

Vanessa Dell – Immigration Staff Attorney

Yasmine Farhang – Lead Immigration Attorney

Yenny Quispe – Supervising Immigration Navigator

Make the Road New York

Our lawyers and advocates can help with these types of cases:

- Workers' Rights and Employment
- Housing
- Public Assistance and Food Stamps
- Disability Benefits
- Citizenship
- Immigration (including deportation cases)
- Civil Rights
- Education

If you need help, speak to your organizer. Your organizer can connect you to the legal department

For more information:

Amy Taylor, Co-Legal Director

718.418.7690 x1280

Sienna Fontaine, Co-Legal Director

718.565.8500 x4612

New Website!



www.maketheroadny.org