



# ¿QUÉ TAL, LEGAL?

*Legal Department Newsletter*

*Summer 2019*

## *Citizenship Team Q & A*

*A critical piece of work that the legal team provides is assisting our members to obtain citizenship. We sat down with some of our citizenship team members to find out more about their work.*



### **How long have you been working with MRNY?**

Claudia Garzon: Thirteen years.

Grace Gomez: I've been working for two years and one month in the area of immigration. Previously, I worked in this same area as a volunteer for almost two years. And, in that same period of time I worked part-time for some periods, in the area of Adult Lit. of Make the Road NY.

Lucy Ballinas: On September 23, 2019 I will be here 6 years.

Nubia Duque: Twenty years approximately.

### **What inspired you to work on citizenship issues in the first place?**

GG: I was inspired by my own process, like most of us, I immigrated to the U.S. for better job opportunities. I did my adjustment of status, and did the process of citizenship. It was during this period that I found Make the Road in my life. And, I feel very fortunate for the free service offered at that moment. For this reason, I became a volunteer to be able to help and motivate others to have more guarantees in this country.

### **What do you like most about helping immigrants through the process of obtaining citizenship?**

ND: It's very satisfying knowing that you are supporting the community so that in the future they will be able to exercise all of their rights as citizens of this country.

### **What would you say are some of the biggest concerns that members and clients have about going through the process of obtaining citizenship?**

LB: Recently I've seen they are really worried about whether or not receiving benefits will have an impact in the approval of their citizenship application.

### **Do you have a client story that has really stuck with you over the years?**

CG: I have several stories, I guess the one that stuck with me was one for a 94 yrs old immigrant from Peru, who got his citizenship after he got a medical exemption and was able to have his Oath ceremony the same day of his interview. He was really happy and I was able to be with him at his oath ceremony.

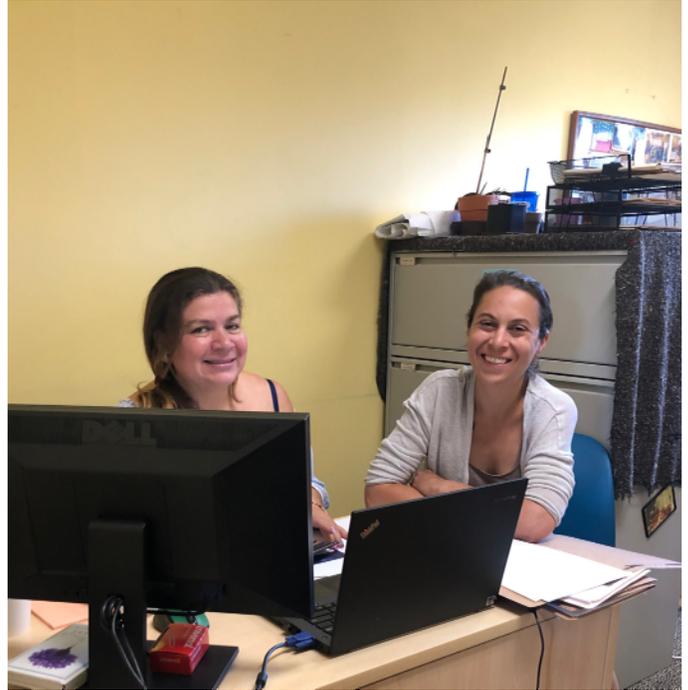
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# *Cutting Edge Litigation*

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## *Class Action: Rios v. Graziella's*

On December 5, 2018, MRNY and co-counsel Klafter, Olsen & Lesser filed a federal class action lawsuit on behalf of former and current employees of a popular Westchester County restaurant chain against the chain and its owners, the DiFeo family, alleging severe and persistent violations of workplace laws. The suit details the DiFeos' long-running pattern of worker abuse, including: forcing their workers to perform duties unrelated to their job, such as landscaping the DiFeos' private residences; requiring 70-hour work weeks without providing any overtime pay, while not allowing employees to eat or take breaks during their shifts; and threatening to fire employees for speaking to anyone else about their working conditions. MRNY worked with the two lead plaintiffs for many months before filing this lawsuit. Since the complaint was filed, several other employees who are part of the class but not named in the suit have come to our Westchester office to learn about their rights and the litigation.



The class action will allow our clients to seek relief for dozens of other workers who may be too scared of retaliation to step forward, but who have suffered similar violations. And, by seeking to uncover and remedy abuses for the entire workforce across several worksites, the suit aims to finally change the employers' practices in the long-run, preventing them from being able to coerce individual complaining workers into quitting or settling for a small sum of money while continuing their abuse of other workers. Finally, we hope this case will raise workers' awareness of their rights and legal options, and put other employers on notice that they may face legal repercussions for violating workplace laws.

## *Preserving Due Process for Special Immigrant Juvenile Status*

Our legal team won a big victory in federal court in March on behalf of a young client from Central America. Our client, M, came to MRNY in 2016 as a teenager seeking immigration services. He was eligible for SIJS (Special Immigrant Juvenile Status). We soon learned that he had an old removal order that put him at risk of quick deportation. Our team had to move as quickly and strategically as possible to get him relief. Unfortunately, ICE was determined to call our client a gang member (like so many other young Central American men), and to detain and deport him. The "evidence" they used against him included such baseless claims as his wearing blue and white. At the same time, the Trump Administration was working to deport tons of young people -- to deny to SIJS to anyone between 18-21. M fell into this category as well.

We knew we needed to bring this case to a federal court. We worked with allies at the Center for Constitutional Rights (CCR) and the Legal Aid Society — and litigated for over two years. In the middle of our representation, M was detained by ICE. We won his release on bond, but then he was detained again. In order to win his release, our team filed a federal habeas petition for him in federal court, argued it before the judge and finally won his release. The federal judge in our original litigation issued a decision that USCIS could not deny M SIJS for the reasons they claimed, and that the federal government's actions violated federal law and the US Constitution. We won! This case involved years of many different filings in different venues, and countless hours of work by our legal team. It was a hard fought win, and we hope this decision will impact many other cases like M's where young Central American men are being targeted for deportation. Si se puede!

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# As Organizational Plaintiff

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*One strategy MRNY has used to challenge laws or policies that are negatively impacting the communities we represent is to become an organizational plaintiff in a lawsuit. By doing this, we can seek remedies for a larger group of people while demonstrating that an unjust law or policy is not only having an impact on an individual, but on our membership more generally and even on MRNY as an organization.*

## *NYIC vs. U.S. Dep't of Commerce*

In June of 2018, MRNY, along with multiple other organizational plaintiffs, filed a lawsuit against the U.S. Department of Commerce and the Census Bureau challenging the government's proposal to add a question to the upcoming census related to citizenship status. We argued that the decision to include this question violates the law and that the government is attempting to discriminate against Latinxs and other ethnic groups. We believe such a question on citizenship will discourage many immigrants from responding to the census because of fear of how that information could be used. This would result in an undercount that would weaken immigrant-dense communities' growing political power and reduce their share of federal funding.

Our case went to trial in the Southern District of New York and on January 15, 2019, Judge Furman ruled in our favor, holding that the government could not lawfully add this question to the 2020 Census. Soon after this decision, the government appealed and asked the Supreme Court to review the district court's decision immediately, seeking to skip the appellate level court. The Supreme Court agreed and heard the case on April 23, 2019, marking the first time MRNY would go to the highest court in the nation. On June 27th the Supreme Court decided that until the government could provide a legitimate reason for adding the question to the census they would not be able to do so. Victory! And finally, on July 12th, the government announced it would not pursue the courts to try and add a citizenship question to the census. A great win for our communities!



## *Flores et al v. Town of Islip, et al.*



MRNY, New York Communities for Change, and four Latinx voters from the Town of Islip, Long Island, filed a lawsuit in June 2018, to demand fair representation in the Town elections. Our case, Flores et al v. Town of Islip et al, alleges that the Town of Islip's voting structure violates the Voting Rights Act, and has resulted in gross neglect of the needs of the Latinx community.

The Town of Islip is made up of a number of communities, including Brentwood, which all vote together in an at-large voting structure to elect officials to the Town Board. Islip's predominantly white majority tends to vote the same, and therefore consistently forms a voting bloc that is big enough to defeat any candidate the minority communities prefer. Despite the fact that the Town of Islip has a substantial minority population, no Latinx candidates have ever won a seat on the Town Board—indeed, no Latinx candidates have been elected to any Town office within the Town of

Islip. With less voting power, the minority communities over the years have had their needs neglected by Town officials. For example, the Town Board failed to respond as toxic waste was dumped in neighborhood parks located in these communities.

On March 1, 2019, our side filed a preliminary injunction motion to prevent any elections for the Islip Town Board from going forward in 2019 without fair representation for the Latinx community. Unfortunately on May 28th our motion was denied, but we will continue to fight the case at trial and are confident we will win changes for the Islip community!

## Welcome New Staff!



Paige Austin

Frank Kearl

Andrea Delgado

Katherine De Leon

## Welcome Summer Interns!



## 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
- Family Law
- 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:

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Anacristina Fonseca – Employment Paralegal  
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Ariel Gould – Immigration Staff Attorney  
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Carlos Vargas – Immigration Navigator  
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