

THE TORCH

MAXWELL STREET LEGAL CLINIC'S NEWSLETTER

SUMMER 2011

Maxwell Street helps, but immigrants often must make difficult choices

Ben and Maria* met nine years ago, when they both started working for the same company. Ben was a United States citizen. Maria was an immigrant from Mexico. They were attracted to each other, exchanging smiles and hellos.

Nearly a year later, they began dating. They brought a Spanish-English dictionary on their nights out, learning to speak the other's language word by word. Maria started studying English with a book at home each night.

Gradually they came to understand each other.

Ben and Maria grew closer, dating for three years before they married in 2006. Although they were happy, something troubled them. When Maria came to the United States, she had no legal status as an immigrant. Her marriage to Ben did

not grant her automatic status. Instead, she became eligible to apply for residence as the wife of a United States citizen.

Ben and Maria came to Maxwell Street Legal Clinic for help with the arduous

process known as "consular processing." It is a long, expensive, and uncertain way to seek a green card. The citizen spouse must petition on behalf of the immigrant spouse. The immigrant must then return to his or her home country for an interview with the U.S. consulate.

At first, the consulate will deny the ap-

plicant re-entry to the United States on the grounds that the person first entered the country without permission. To overcome this obstacle, the couple must prepare another application that is very personal.

It contains statements from both spouses which demonstrate the difficulty of living apart and the hardship which the citizen would suffer if separated from the immigrant spouse. The waiver package is always a gamble: between 25% and 50% of applicants from Mexico are

denied and barred from returning to the United States.

We worked with Ben and Maria on each phase of the process. Last fall Maria was allowed to return to the United States as a legal permanent resident. The couple is able to live together in Lexington. No international border keeps them apart.

**Names changed to protect privacy*

“ NO INTERNATIONAL BORDERS WILL KEEP BEN AND MARIA APART. ”

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Maxwell Street Legal Clinic has a new attorney!



Welcome Jonathan Bialosky!

Jonathan is our new attorney and program director. He graduated with honors last year from George Washington University School of Law in Washington, DC. He began work at

MSLC on January 10.

Jonathan comes to Maxwell Street with a strong background in immigration law. During law school, he served as an intern at the U.S. Committee for Refugees and Immigrants. He also worked at an international refugee support program in Istanbul, Turkey. As a summer intern at the Migrant Legal Action Program in Washington, he researched and wrote about migrant workers' access to Unemployment Insurance. Jonathan is a member of the New York state Bar. He plans to take the Kentucky bar exam this July.

On his new job: "Maxwell Street is a great place. I'm excited to be here. There's such a

demand for our services. Our clients often have inspiring stories."

Jonathan said his first step was deciding what kind of cases Maxwell Street would take this year. "We're helping families bring close relatives here. We're helping refugees get permanent status." He's also interested in helping immigrant youth caught up in the child protection system. "We can help them achieve legal status without relying on relatives who abandoned or abused them."

On the move to Lexington: "There was a lot to take in, but I'm settling in now. Maxwell Street is a great community resource. I really enjoy working here!"

MSLC Updates

CITIZENSHIP PROJECT: Over the past year, the Citizenship Project has helped 70 permanent residents become citizens of the United States. The new citizens are from many nations, such as Liberia, Mexico, and Bosnia. They come to MSLC for help with their applications and their English language skills. Many are returning clients who got their green cards with the help of MSLC. Project coordinator Julie Lovely joined the MSLC staff in August 2010. She holds quarterly workshops to help clients prepare their citizenship applications. The most recent workshop was held at Centre College on April 23. There were 18 participants. Julie also organizes civics classes to help applicants study for the citizenship exam. Each applicant receives one-on-one help to ensure that he or she passes the interview on the first try. We are proud of our high success rate!



MSLC FOUNDER TESTIFIES IN FRANKFORT: MSLC founder Marilyn Daniel testified February 9 at a hearing before the House Local Government Committee. The panel examined SB 6, an immigration bill already passed by the Senate. Marilyn argued that Senate bill 6 overstepped the bounds of federal law. SB 6 was based on last year's controversial Arizona law. It would have allowed state and local police to ask people to "show papers"—and detain them if they couldn't prove legal status. Courts have struck down portions of the Arizona law, holding that enforcement of immigration law is a federal responsibility. Marilyn explained the difficulty of recognizing the many immigration statuses—over 80—granted by the federal government. She said the bill would require a lot more training on the part of law enforcement. She pointed out that it did more than simply empower police to enforce federal law. Instead, it created new Kentucky crimes. The legislative session ended without a House vote on the bill. Marilyn received a warm thank you from the committee chair.

10TH ANNIVERSARY EVENT: Last fall we celebrated our 10th anniversary. Though Maxwell Street was founded in 1999, we got really busy and had to wait until our 11th year to have the party. We celebrated with an Around the World reception at the Bodley Bullock House in Lexington, KY. The event honored our founding volunteers, Marilyn Daniel and Bob Rodriguez. It featured live entertainment and cuisine from West Africa, Mexico, and the Mediterranean. We had a great time and hope to see everyone at our next event. Thanks to all who gave their time and financial support to make the celebration a success!



Wage Claim Clinic

Juana* is a restaurant worker who makes her living as a cook and a waitress. For over a year she worked for an employer who did not pay her all that she had earned. At first, she thought that she might be paid any time. But after the restaurant closed, she went to her boss several times and demanded her pay. Instead of paying her, he threatened her, telling her that she did not want to be on his bad side. He then stopped responding to her calls. His family members told Juana several times that he was “unavailable.”

This scenario is all too common. To help

workers like Juana, Maxwell Street Legal Clinic now offers a monthly wage claim clinic in partnership with Kentucky Equal Justice Center. The clinic provides a free consultation on how to recover back wages. It helps workers prepare letters to their employer or complaints to the state.

AmeriCorps member Rachel Shelton organizes the clinics and tells workers what information to bring. “Many native-born workers have problems in the workplace,” Rachel said. “But immigrant workers can be especially vulnerable.” To protect their rights, Rachel says,

workers need to know the name, address and phone number of their employer. They should keep a record of their hours of work.

The project goes hand in hand with KEJC’s employment law initiative. Employment law attorney Zenaida Lockard participates in each clinic. Zenaida reviews all legal information and advice to make sure it is accurate. Zenaida and Rachel give presentations on workers’ rights throughout the Bluegrass so that workers will understand the laws that protect them.

**Name changed to protect privacy.*



Staff Spotlight

Maxwell Street Legal Clinic is growing! Nathalie Dietrich joined our staff last year as a part-time legal assistant and translator. Nathalie hails from Germany and is fluent in German, English, and Spanish. She keeps our office up and running by taking calls, managing case intake, translating documents, and interpreting for clients. With Nathalie’s help, we are able to serve our diverse clients more thoroughly and efficiently. We are grateful to have her on the job!

How you can help

BY MAKING A DONATION

As a nonprofit, MSLC operates on a financial shoestring. Donations of any size make a difference and help MSLC fulfill its mission of helping vulnerable immigrants and their U.S. citizen family members improve their status, thus benefiting all Kentuckians.

BY MAIL

Maxwell Street Legal Clinic
201 East Maxwell Street
Lexington, KY 40508

ONLINE

Make an online donation at our website: www.maxlegalaid.kyequaljustice.org

BY VOLUNTEERING

MSLC offers several opportunities for volunteer involvement, by which one can gain immeasurable hands-on experience working in an energetic public interest environment. Volunteer trainings are scheduled on a regular basis. You can help by:

- Tutoring clients with ESL or Civics material
- Translating foreign language documents

For further information on volunteering, please visit: www.maxlegalaid.kyequaljustice.org/Volunteer

NEW OFFICE: In December 2010, we moved from 315 Lexington Avenue to 201 East Maxwell Street. Our new office is in downtown Lexington across the street from our former location. We are really pleased with the new place. Special thanks to Harry Johnson and the Maxwell Street Presbyterian Church for all their hard work on the building!

MAXWELL STREET LEGAL CLINIC

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CHECK US OUT ON FACEBOOK TOO!

A program of Kentucky Equal Justice Center

UPCOMING EVENTS

4TH OF JULY PARADE

JULY 4, 2011

MSLC and some of America's newest citizens will march in the Lexington 4th of July parade. The parade will start at 2:00 pm and will go through downtown Lexington.

CITIZENSHIP WORKSHOP

AUGUST 2011

Our next citizenship workshop is planned for August 2011. Check out our website, www.maxwelllegalaid.kyequaljustice.org, or our Facebook page over the next few weeks for the exact date and location. If you are interested in volunteering to help at the workshop, please contact Julie Lovely: jlovely@kyequaljustice.org

AROUND THE WORLD RECEPTION

TBA

We had so much fun at our last Around the World celebration that we might have another one! The event would happen in fall 2011. Stay tuned. For more information contact Rich Seckel atrichseckel@kyequaljustice.org.