

# WNY REGIONAL IMMIGRATION ASSISTANCE CENTER

MONTHLY NEWSLETTER

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## Everything You Need to Know for Your Noncitizen Clients

**If your noncitizen client is facing criminal charges or adverse findings in Family Court, please contact the WNY Regional Immigration Assistance Center.**

We are funded by the New York State Office of Indigent Legal Services (ILS) to assist mandated representatives in the 7th and 8<sup>th</sup> Judicial Districts in their representation of noncitizens accused of crimes or facing findings in Family Court following the Supreme Court ruling in *Padilla v. Kentucky*, 559 U.S. 356 (2010), which requires criminal defense attorneys to specifically advise noncitizen clients as to the potential immigration consequences of a criminal conviction before taking a plea. There is no fee for our service. Please consider contacting us, whether you are a criminal defense, appellate or family defense attorney, for any of the following services:

- To receive advisals on plea offers and other dispositions to reduce and alleviate the immigration consequences on a noncitizen's status
- To join you in communicating to your client the aforementioned advisal we have provided
- To assist you by providing language access to communicate with a client who does not speak English when your office does not have such capacity, or provide you with a list of referrals to interpretation/translation services
- To assist you in determining the status of a noncitizen who does not have documentation of that status available
- To communicate our advisal concerning your noncitizen client in writing or orally to opposing counsel or to a court
- To provide CLEs on the immigration consequences of crimes to your defender community
- To participate in case conferences with you and others in your office to discuss noncitizen cases in the criminal justice system
- To refer you to deportation defense services and counsel

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### Wide Disparities in Asylum Denial Rates Across Upstate New York Immigration Courts

Asylum success has always varied widely depending on where the case was venued. The latest statistics indicate that the asylum denial rate at the immigration court in Buffalo, which presides over all of Upstate New York and has four judges, varies between a low of 47.5% and 71.1% denials. The two judges who sit at the Federal Detention Facility in Batavia have a denial rate between 80% and 82%. It appears that asylum grants rates nationally are very low ([Asylum Grant Rates Decline by a Third](#))

Read more here: [Asylum Success Still Varies Widely Among Immigration Judges](#)

**Coming next month, in our 50th issue:**

The WNYRIAC's Analysis of the Trump Administration's Immigration Policies and Their Impact on Noncitizens in the Justice System

# **Traumatic Stress in Migrant Populations: Best Practices for Mitigation**

## **A Summary of a WNYRIAC Training**

By Abbey Alexander, Legal Assistant, WNYRIAC, Legal Aid Bureau of Buffalo, Inc.

On November 1st, we presented the training *Traumatic Stress in Migrant Populations: Best Practices for Mitigation*. The session focused on involving social workers and mitigation specialists to improve holistic representation for noncitizen clients by examining the unique traumatic stressors these individuals face across various stages of their migration journey, and incorporating these in mitigation reports. The importance of cultural humility and trauma-informed practices was emphasized in developing these effective mitigation strategies. Speakers Sophie Feal, Bijoux Bahati, Maryam Masoud, and Alaina Guzman shared valuable insights and offered practical guidance for professionals navigating these challenges in legal and social contexts.

### **Identifying Noncitizens**

Sophie Feal, Managing Attorney of the WNYRIAC, provided a detailed explanation of the complex intersection between immigration status and the risks of criminal action. She emphasized that all noncitizens are subject to removal from the U.S. for virtually any criminal offense, regardless of severity, with other immigration-related consequences possible even in cases without convictions. This underscores the precarious position of noncitizens in the U.S. immigration system, which practitioners must be prepared to navigate, especially with the returning Administration.

Feal then discussed the different legal classifications of noncitizens, including Lawful Permanent Residents (LPRs or "green card holders"), refugees, asylees, individuals with Temporary Protected Status (TPS) or Deferred Action for Childhood Arrivals (DACA), nonimmigrant visa holders (e.g., students, tourists, or temporary workers), and those with undocumented status (e.g., individuals who crossed the border without inspection or overstayed a visa). Each category carries unique rights and risks, which we must understand to properly assess potential legal outcomes effectively.

Feal highlighted that noncitizens' legal classifications not only determine their vulnerability to detention and deportation, but also influence their access to essential resources and community stability. For example, undocumented individuals and those with temporary statuses may face heightened barriers to healthcare, housing, and employment, compounding their stress and instability.

Practitioners were encouraged to approach mitigation in these cases with an understanding of clients' home countries and prior experiences with authority, and to involve

social workers in their cases. Feal explained that individuals from politically unstable regions often harbor deep mistrust of legal and governmental systems due to historical abuses by those institutions. This mistrust can impact how willing clients are to share their stories and engage with U.S. legal systems. To build trust, and especially to avoid re-traumatizing clients, Feal emphasized the importance of understanding each client's personal history and cultural background. This approach helps create a safer environment for clients to share their experiences, allowing for the development of accurate narratives.

### **Trauma and Stressors Faced by Migrants**

Bijoux Bahati is a social worker and the Program Manager of the Refugee and Immigrant Center for Healing and Trauma Systems Therapy for Refugee Youth (TST-R) at Jewish Family Services (JERS). She framed migration as a complex journey of disruption and resilience, emphasizing its three primary stages: pre-migration, migration, and resettlement. Drawing from her lived experience as a refugee and her professional expertise, Bahati offered a nuanced understanding of the unique stressors migrants face at each stage, as well as the role of trauma-informed practices in supporting their adjustment.

The pre-migration stage represents a period of relative normalcy and stability before the onset of violence, persecution, natural disaster, or other 'push factors' that force migration. Migrants often leave behind tight-knit communities, secure employment, and cultural identities rooted in tradition. Bahati encouraged us to explore this baseline to understand what clients feel they have lost. Questions like 'What was your life like before you left?' can uncover clients' professional roles, social ties, or access to resources, providing context for their grief and sense of identity dislocation.

The migration journey itself is often marked by urgency, unpredictability, and danger. For many, it involves separation from loved ones, exposure to violence, and the constant threat of detention. Bahati illustrated the profound vulnerability of migrants during this stage, which may include traveling under harsh conditions or waiting for extended periods in refugee camps. She urged practitioners to explore these traumas associated with migration. Understanding these experiences helps frame migration not as a voluntary choice, but as a response to survival-driven measures.

**Federal Judge in Ohio holds that unlawfully present noncitizen cannot invoke 2nd Amendment as a defense to possession of firearms**

Link to decision can be found in article: <https://abc6onyourside.com/news/local/judge-denies-2nd-amendment-claim-orient-man-illegally-us-charged-with-having-170-guns>

Upon arrival in the U.S., migrants face a new set of challenges that can complicate their adjustment. Many arrive with high expectations for safety and stability, only to confront systemic barriers, such as limited access to healthcare, housing, or legal support. Echoing Feal's words, Bahati noted that unmet needs can lead to re-traumatization, as individuals grapple with isolation and disappointment. She explained that advocates for these clients must approach this phase with empathy and a commitment to connecting clients to necessary resources, helping them navigate complex systems and adjust to their new environment.

Bahati's insights are a reminder that resettlement is not merely the end of the migration journey, but the beginning of a complex process of cultural adjustment and mental health challenges. She emphasized the use of "cultural brokering," where brokers act as bridges between clients' cultural contexts and U.S. systems, preventing misunderstandings and building trust. This strategy, she noted, is especially critical in sensitive areas like mental health, where cultural norms and stigmas can shape how individuals understand and express their struggles.

Maryam Masoud, Service Coordinator of TST-R and cultural broker at JERS, expanded on the importance of cultural brokers in mental health advocacy, drawing from her work with Afghan communities. She explained that mental health issues can be heavily stigmatized by Afghans, sometimes seen as signs of weak faith or spiritual failing. This stigma has left individuals without the language to describe psychological conditions, leading them to frame their experiences in physical terms or as the result of external events. For example, someone might describe their distress as a 'heavy weight' or 'persistent headache,' rather than linking it to what might be recognized in Western contexts as anxiety or depression, which may act as a barrier to treatment.

Masoud stressed that cultural brokers are instrumental in reframing these discussions to make them accessible and non-stigmatizing. A broker might, for instance, explain mental health interventions (such as treatment court or counseling sessions) as ways to 'improve physical strength' or 'recover from hardship,' rather than using clinical terms that might alienate the client. Similarly, Alaina Guzman, a social worker with the Legal Aid Bureau of Buffalo, suggested reframing standard mental health questions, such as asking about 'difficult life experiences' instead of directly referencing anxiety or depression. For example, rather than asking, 'Do you experience anxiety or depression?' advocates could ask, 'Have you ever felt like you can't stop worrying about something, or that you've been carrying a heavy burden?'

Masoud emphasized that cultural brokers do more than translate words; they interpret the nuances of cultural values and beliefs, bridging divides that might otherwise hinder meaningful advocacy. She underscored the importance of patience and humility in these interactions, noting that trust and understanding often develop gradually. These mindful adjustments, rooted in cultural humility, allow practitioners to gather critical information while

respecting the client's worldview and minimizing discomfort.

Bahati recommended resources for further education, including, *The Body Keeps the Score* by Bessel Van Der Kolk, *Mental Health Practice with Immigrant and Refugee Youth* by Heidi Ellis and Saida Abdi, and the National Child Traumatic Stress Network's materials.

### **Storytelling & visual aids for Effective Mitigation**

Alaina Guzman then elaborated on tools for effective mitigation advocacy, emphasizing the power of storytelling. Storytelling, she explained, enables clients to present their experiences in a way that resonates with judges, attorneys, and other legal authorities, humanizing their journey and highlighting the challenges they have faced. Guzman shared practical techniques for interviewing, collaborating with interpreters, and incorporating visual aids to strengthen clients' narratives.

Guzman introduced several tools to enhance storytelling, including maps, timelines, and genograms. These visual aids can be particularly effective in court, as they offer a tangible representation of clients' experiences, enabling legal authorities to better grasp the scope of their journey. Maps, for example, can trace the client's migration path, while timelines document significant events and traumas for the client. Genograms help to illustrate family dynamics, especially in cases where extended family structures differ from U.S. norms. For instance, many migrant communities operate within multigenerational households or rely heavily on non-nuclear family members for support. A genogram can clarify these relationships and highlight the client's dependence on familial networks, which may be disrupted by legal actions like deportation.

### **Interview techniques**

Guzman emphasized the importance of taking a mindful approach when working with interpreters to ensure clarity and trust. She advised practitioners to begin interviews by explaining the purpose and value of the process to both the client and the interpreter, reinforcing how openness will benefit the client's case. Guzman noted that interpreters often notice subtle cues, such as body language or shifts in tone of voice, which can reveal a client's hesitation or discomfort – details that are critical to understanding the full picture. This approach is valuable for clients who may have difficulty articulating trauma or who harbor distrust toward authority figures, as interpreters function not only as translators but also as cultural intermediaries. Feal echoed this perspective, highlighting the importance of clearly explaining confidentiality to clients during interviews. Many clients, especially those from politically unstable regions, may fear that sharing sensitive information could result in breaches of confidentiality or jeopardize their new livelihood in the U.S. Interpreters can help clarify confidentiality, ease cultural mistrust, and create a safer space for clients to share their experiences.



Additionally, Feal and Guzman stressed the importance of preparing interpreters for the specific context of mitigation work. Legal language often differs significantly from the nuanced, trauma-informed approach required in these cases. Interpreters must understand that their role extends beyond direct interpretation to include building trust and recognizing cultural sensitivities. For instance, interpreters might help navigate cultural differences in how time or events are described, aiding practitioners in piecing together accurate narratives, especially when clients are unfamiliar with Western timekeeping or documentation practices.

### **Bias awareness**

Ultimately, Guzman urged advocates to consider their own and others' biases. Racial and political biases can shape a judge's or district attorney's perception of noncitizen clients, so it's critical to be strategic in presenting the client's story. For example, Ukrainian immigrants may be received more sympathetically than Somali immigrants, reflecting broader national narratives and news headlines. Guzman advised advocates to highlight clients' contributions to their communities, personal strengths, and resilience, adjusting the narrative of the client's story to align with the values and perspectives of the court or judge.

Each speaker's insights reinforced that effective support of noncitizen clients requires a deep understanding of the clients' experiences across the entire migration journey. By incorporating trauma-informed practices and cultural humility, advocates can better honor the experiences and voices of migrant clients, assisting them in navigating a legal system that might otherwise feel foreign and unwelcoming, while also producing stronger mitigation reports. This training brought to light that successful legal advocacy is not only about proper legal representation, but also about bearing witness to the resilience and humanity of those who seek a new beginning amidst unimaginable challenges.

We once again extend our gratitude to our esteemed speakers for their invaluable perspectives and practical guidance on this important topic. If you would like the audiotape of this insightful training, please contact Abbey Alexander at [aalexander@labbuffalo.org](mailto:aalexander@labbuffalo.org).



**Happy Holidays!**

**The WNY Regional Immigration Assistance Center**  
A partnership between the Ontario County Public Defender's Office  
and the Legal Aid Bureau of Buffalo, Inc.