

A blue-tinted photograph of the Statue of Liberty's head and crown, set against a background of palm trees. The image is the top half of the report cover.

FIAC

FLORIDA

IMMIGRANT

ADVOCACY

CENTER

ANNUAL REPORT 2004

A horizontal strip of the American flag, showing the stars and stripes, positioned below the title bar.

Protecting and promoting
the basic human rights
of immigrants.

F IAC just completed its ninth year of service and has now closed more than 47,000 cases on behalf of immigrants from 180 countries. Last year alone, our staff served more than 4,000 clients in sixteen Florida counties. Here is a snapshot of our work this past year ...



- ★ After Hurricanes Frances and Jeanne struck our Fort Pierce office, temporarily shutting down operations, staff – whose homes suffered severe damage – continued assisting hundreds of clients. This office, the primary source of free legal services to poor immigrant farm workers from Mexico, Haiti and Guatemala, opened its doors to Florida Rural Legal Services staff and clients after their office was destroyed by the hurricanes.
- ★ FIAC's Miami staff spent countless hours ensuring that every unaccompanied minor in detention in South Florida had legal representation. They also organized a wonderful holiday party for these children. Weeks of preparation kept the children busy as they planned a talent show and practiced their song and dance routines. Our staff even secured donations for gifts for each child; for many, this was the first gift they had ever received.
- ★ Following the tragic deaths in South Florida of two Haitian women who were victims of domestic violence, Lucha's Creole-speaking attorney, an Equal Justice Works Fellow, helped spearhead the creation of the Haitian Domestic Violence Initiative. Comprised of Miami-Dade and Broward representatives from law enforcement, other government officials, and women's shelters, its goal is to reduce incidents of domestic violence in the Haitian community through community education.
- ★ FIAC fought on multiple fronts for improvements and changes that will affect large numbers of immigrants. Through its impact litigation and national policy advocacy, FIAC raised public awareness of how major policy reforms have severely affected immigrants' already difficult situations. We secured critical court decisions to ensure that the due process rights of asylum seekers and others are respected.

FIAC also published a report to call attention to the plight of asylum seekers held in detention and worked closely with national human rights groups to challenge unfair government policies and practices that violate domestic and/or international law. FIAC's collaboration with Harvard University Law Clinics and the Women's Commission for Refugee Women and Children sought new avenues of relief for refugees and asylum seekers, including many women and children.

- ★ We continued to move into our role as the statewide technical assistance provider in immigration law as we helped Gulfcoast Legal Services in St. Petersburg launch its immigration program. Our second Equal Justice Works Fellow – housed at Gulfcoast and under FIAC's supervision – created a program to serve asylum seekers held in detention at county jails in Bradenton and Palmetto.
- ★ On the other hand, our Immokalee office was transferred to Legal Aid Society of Collier County, effective January 1, 2005. This was done in accord with Florida's other legal service providers, which reorganized the delivery of services to better serve the poor. Throughout the transfer, FIAC provided close supervision and technical assistance for new immigration staff.

FIAC's passionate and dedicated staff of 41 is multi-cultural and comes from 13 different countries. Every day, they focus their efforts on bettering the lives of others, earning salaries far lower than they could earn elsewhere. Despite scant resources, FIAC's staff prove that certain principles - respect for basic rights, fair treatment under the law, recognition of our common humanity – are worth preserving. After you read this report, especially the impressive list of accomplishments, I hope you will agree that FIAC's tireless efforts on behalf of our clients are worthy of your support.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl Little".

Cheryl Little
Executive Director



FIAC's passionate and dedicated staff.

POLICY ADVOCACY

FIAC identifies and challenges discriminatory practices and policies targeting immigrants. Using creative tactics including litigation, media strategies, investigative reports, networking, education and technical assistance, FIAC addresses the issues that impact large groups of immigrants to develop solutions that will be most beneficial to them.

REGIONAL AND STATEWIDE SERVICES

FIAC provides leadership in helping to form immigration units in each of the seven regions spearheaded by The Florida Bar Foundation. FIAC also provides training and technical legal support to these newly established immigration units.

INDIVIDUAL REPRESENTATION

FIAC's clients come from all over the world. Legal representation in immigration matters is provided to the most vulnerable, including families with children, asylum seekers, elderly and disabled immigrants, people with AIDS or HIV and migrant farm workers.

CHILDREN'S LEGAL PROJECT

FIAC provides regular Know Your Rights presentations at children's detention facilities for unaccompanied minors and represents those who do not have a lawyer. FIAC advocates for improvements in the care of these children and has issued reports to call attention to their plight. FIAC also represents immigrant children who are determined to be dependents of the state and are eligible to become Lawful Permanent Residents as Special Immigrant Juveniles.

LUCHA: A WOMEN'S LEGAL PROJECT

FIAC represents immigrant women who are victims of violent crimes, including sexual assault, stalking, domestic violence and human trafficking. In response to the growing need for comprehensive services to trafficking victims and public education on the issue, FIAC has partnered with other service providers in the community to form the Florida Freedom Partnership (FFP), to ensure that human trafficking survivors receive services in a holistic manner. This includes legal representation from FIAC, and social, employment, case management, and mental health services from the other partners.

ASYLUM SERVICES

FIAC represents asylum applicants, who have experienced persecution or who fear persecution if returned to their home country, at every stage of their immigration proceedings.

IMMIGRATION COURT REPRESENTATION

FIAC defends immigrants with complex cases in immigration court, frequently raising cutting-edge legal issues.

DETENTION PROJECT

FIAC defends the basic rights of detainees, including immigrant women and children, and monitors conditions of detention to bring about systemic change.

PUBLIC BENEFITS FOR THE HOMELESS PROJECT

FIAC represents homeless immigrants who are elderly, disabled or families with children in securing public benefits at both the Federal and local levels. The

Project works closely with other Immigrant Welfare Implementation Collaborative partners, an alliance of national advocacy groups and immigrant coalitions from several states to advocate for fair policies nationally and within the state.

CABA PRO BONO PROJECT

In conjunction with the Cuban American Bar Association (CABA), FIAC refers low-income, Spanish-speaking immigrants to CABA pro bono attorneys for assistance with general civil matters. The Project also provides uncontested divorce services to Spanish speakers.

FLORIDA IMMIGRANT COALITION


FIAC houses the Coalition, a group of community-based organizations that seek fair treatment of immigrants and their integration into the civic and cultural life of our communities. The Coalition's mission is accomplished through community education, organizing and advocacy.

For more than a year, a 58-year old Cuban man with a long history of homelessness, mental and physical problems including liver cancer, diabetes and four surgeries, lived in a Miami park before finding "refuge" on the porch of a friend's home. FIAC took his case and, as a result, last year he was awarded more than \$5,000 in retroactive Social Security and Disability benefits. He now also receives almost \$600 in monthly benefits that are based on his work history in the US. His health has improved and he rents his own apartment and supports himself.

Throughout 2004, FIAC faced countless challenges and obstacles in pursuit of justice and basic human rights for our clients. Even so, our team of dedicated, passionate professionals has achieved significant accomplishments, including:

ACCOMPLISHMENTS

- ★ Served 4,318 clients through three offices and several projects, bringing the total served to more than 47,000. FIAC's Fort Pierce office opened almost 1,100 new cases and completed 1,200 despite being closed for ten days because of damaging hurricanes in that area.
- ★ Issued a groundbreaking report about the ongoing mistreatment of Haitians, *Haitian Refugees: A People in Search of Hope*.
- ★ Successfully advocated for improvement of the treatment of unaccompanied minors in detention, including the creation of a separate court docket for children's cases.
- ★ Litigated federal court actions on behalf of immigrants, including successful challenges to unlawful detention, and a case involving a novel constitutional challenge to deportation before the Eleventh Circuit Court of Appeals.
- ★ Successfully litigated a case before the Third District Court of Appeals that generally increased food stamp awards to low-income households with both citizen and non-citizen members, where all the household income is attributed to the citizen.
- ★ Partnered with Harvard University Law School to file a successful legal action before the Organization of American States' Inter-American Commission on Human Rights to protect Haitian asylum applicants who flee by boat. The Commission ordered the U.S. to provide bi-monthly reports and to afford hearings to potential asylum applicants.
- ★ Partnered with Florida Legal Services to successfully challenge in federal court the denial of citizenship to immigrants with disabilities who were unable to take the citizenship oath.
- ★ Partnered with the Women's Commission for Refugee Women and Children and Holland & Knight to file a petition with the United Nations Working Group on Arbitrary Detention on behalf of Haitian refugees asking for an investigation of the manner in which Haitians are detained in the United States.
- ★ Partnered with Holland & Knight to file an amicus brief in a successful U.S. Supreme Court case challenging the indefinite detention of Cubans from the Mariel boat lift and others who cannot be returned to their countries.
- ★ Helped prevent the Executive Office of Immigration Review from using video conferencing for individual merits asylum hearings at the Broward County detention facility.
- ★ Advocated for the reversal of unfair treatment of female asylum seekers in South Florida and succeeded in securing release for some.
- ★ Represented homeless immigrants, many of whom were chronically homeless, to obtain retroactive and annualized disability payments and ongoing medical care, resulting in more than \$1.7 million in payment awards since 1999.
- ★ Received two Equal Justice Works Fellows to represent Haitian victims of domestic violence and to advocate on behalf of juvenile and adult detainees held on Florida's west coast.



In the summer of 2003 the Civil Rights Unit of the Criminal Section of the Department of Justice sought the assistance of FIAC's Lucha: A Women's Legal Project. The case involved several immigrant women who were held in conditions of involuntary servitude and forced to have sex with their traffickers. The women were also subjected to daily acts of violence including beatings, rapes, and torture. Family members of the victims were threatened and extorted. Through the comprehensive assistance provided by FIAC and its partners, the information provided by the women was instrumental in securing the criminal conviction and sentencing of six human traffickers. FIAC represented the victims at different meetings with law enforcement, and secured valid immigration status for all three survivors and seven of their family members.



- ★ Secured free representation for indigent immigrants from the following law firms: Boies, Schiller & Flexner; Latham & Watkins; Carlton Fields; Alan I. Mishael, PA; Greenberg Traurig; Shook, Hardy & Bacon; Holland & Knight; White & Case; Kramer, Levin, Naftalis Frankel, LLP.

- ★ Supported the structural and financial sustainability of the Florida Immigrant Coalition, a statewide mobilization alliance of grassroots organizations working for fair treatment of Florida's immigrants.

- ★ Drastically reduced routine criminal prosecutions of asylum seekers in Florida who used false documents to enter the country.

- ★ Hosted a screening of Academy Award winner Jonathan Demme's documentary film, *The Agronomist*, about Jean Dominique of Radio Haiti Inter, widely considered Haiti's most credible broadcast journalist, prior to his assassination.

- ★ Hosted a screening of *Chasing Freedom*, the story of a young Afghani asylum seeker targeted by the Taliban for teaching girls in her home, in direct defiance of their dictate that girls should not be educated.

TRAINING

- ★ Conducted nationwide and international trainings on domestic violence and human trafficking through FIAC's Lucha: A Women's Legal Project. These trainings were for advocates, law enforcement, and other high level government officials.

- ★ Organized and conducted several immigration law trainings for pro bono attorneys, attorneys at non-profit agencies, public defenders, and others in the immigration law field.


- ★ Organized the conference "Work and Immigration: Pathways to Community Prosperity" at Miami-Dade College and conducted seminars regarding immigrant eligibility for federal benefits.

AWARDS

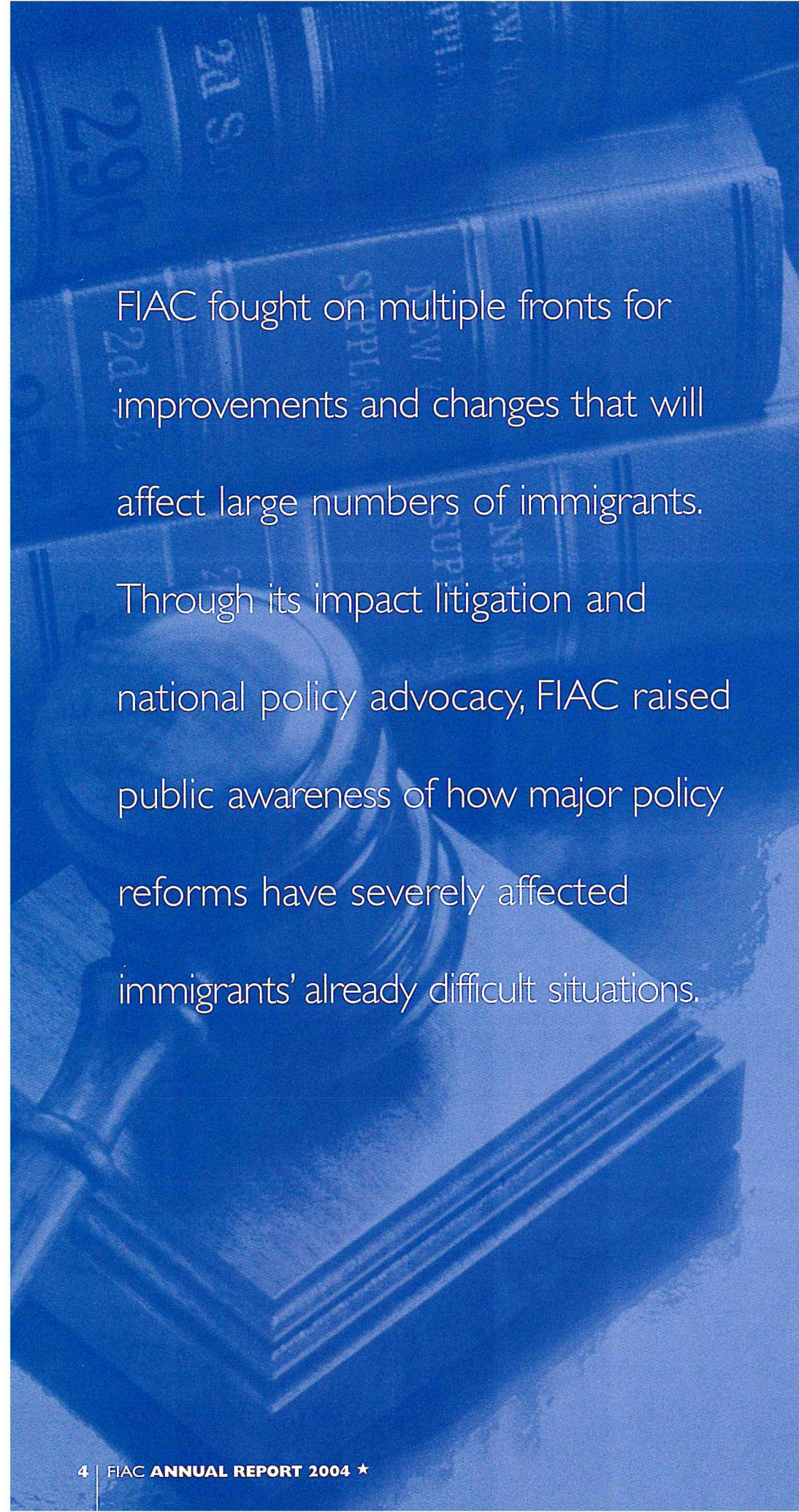
- ★ National Immigration Forum's Heroes of the American Dream Award

- ★ Victim Services Center's And Justice for All Award

- ★ Hope Award (Helping Others through Pro Bono Efforts)



A Haitian woman fled Haiti in early 2001 after she was raped in the presence of her two children by men believed to be members of the Haitian National Police. Her family was politically active and she was targeted following her brother's disappearance and the death of her grandmother (who was severely beaten by the police). The woman, fearing for her safety, boarded a boat for the United States. FIAC sought help for her from Victim Services Center. They conducted a psychological evaluation and found that she exhibited behavior typical of a woman who has been brutally raped. FIAC succeeded in obtaining asylum for her.



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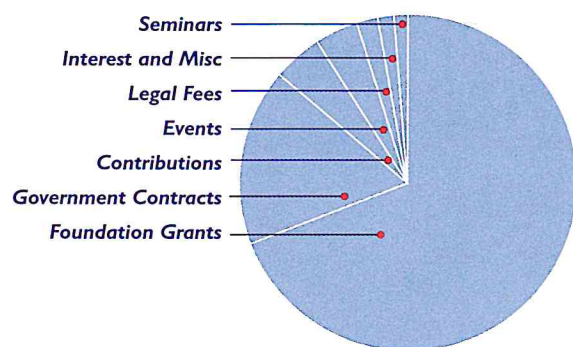
FIAC won asylum for several Haitian

broadcast journalists. One such person was

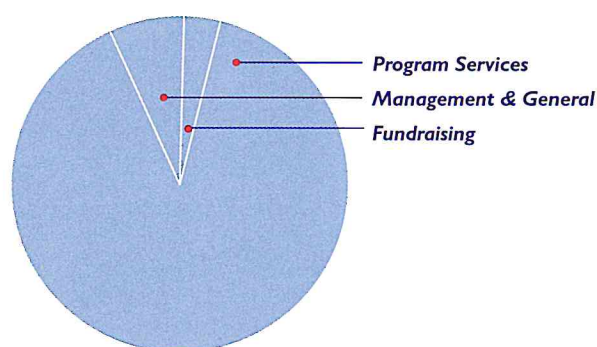
Elie Sem Pierre, owner and director of Radio Hispanola International in Cap Haitien, Haiti. Elie was threatened on several occasions because of his extensive coverage of the political crisis in Haiti. In February 2004, he and his son were kidnapped by seven armed men. They assaulted Elie with their automatic weapons while his young son watched in horror. The men shot Elie twice in the neck, dumped his body and left him to die. Passersby recognized the well-known radio personality and rescued him. He was taken to a local hospital, but the gunmen quickly learned of his whereabouts and went to the hospital to finish the job. The quick thinking medical staff moved Elie to the maternity ward so he was not found and arranged his transportation to a hospital in the Dominican Republic. FIAC helped Elie obtain the medical treatment he needed upon his arrival in the United States, including expensive prescription drugs and physical rehabilitation. Although there was great concern that he might be permanently paralyzed, he has regained some movement in his legs and arms.

FIAC is a not-for-profit organization. Therefore, our financial security is dependent upon the generosity of foundations, state and local agencies and individual donors.

INCOME 2004



EXPENSES 2004



	2004
Government Contracts	\$ 551,508
Foundation Grants	2,041,972
Events	77,842
Contributions	82,825
Legal Fees	14,613
Seminars	3,813
Interest & Misc	10,860
	\$2,783,433

	2004
Program Services	\$2,334,249
Management & General	250,564
Fundraising	40,813
	\$2,625,626


Based on Audited Financial Statements

A 17-year-old Honduran girl walked across the Mexican border with a friend after running away from her physically and psychologically abusive mother and her mother's boyfriend who also sexually assaulted her. Diagnosed with a psychological disorder, the girl was shuffled between immigration detention facilities in Texas, Michigan, Georgia and Florida for a year and a half. FIAC took her case and obtained consent from the Department of Homeland Security/Immigration and Customs Enforcement to take her case to state juvenile court. The state court judge ruled that it was not in her best interest to be returned to Honduras. FIAC obtained special immigrant juvenile status for her in record time (just 39 days). The girl, who loves to sing, dance and write in her journal, has gotten the help she needed and can now look forward to a productive future in the United States.

Our Funders' financial support is critical to our ability to serve our diverse client base. We are extremely grateful for the ongoing generosity and support provided by so many.

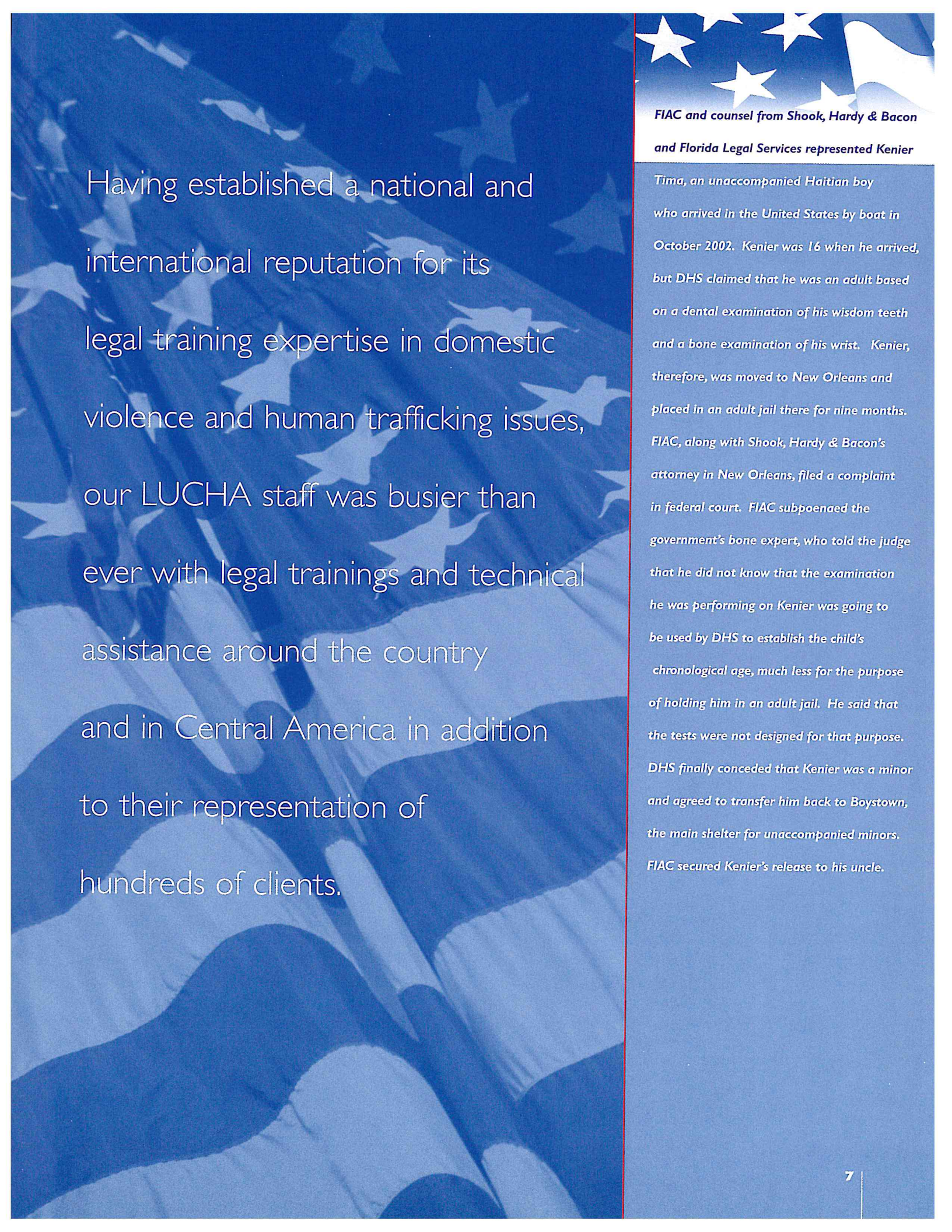
Allegany Franciscan Foundation/Dade County
 American Bar Association-Immigration Pro Bono Development Project
 American Immigration Lawyers Association
 Herb Block Foundation
 Miami-Dade Commissioner Barbara Carey-Shuler
 Catholic Charities-Diocese of Venice
 Community Through Unity
 Dade Community Foundation
 Equal Justice America
 Equal Justice Works
 -The Florida Bar Foundation
 -Greenberg Traurig
 -Mellon United National Bank
 The Florida Bar Foundation
 -Civil Legal Assistance
 -Legal Assistance to the Poor
 -Summer Fellowships
 Florida Coalition Against Domestic Violence
 Florida Department of Children & Families
 -Refugee Program
 -Special Immigrant Juveniles
 The Ford Foundation
 Four Freedoms Fund
 Freedom Network Trafficking in Persons Training Institute
 Miami-Dade Commissioner Sally Heyman
 Holland & Knight
 -Chesterfield Smith Service Fellowship
 Immigrant Legal Resource Center
 International Rescue Committee
 Junior League of Miami
 The John S. & James L. Knight Foundation
 Lutheran Immigration & Refugee Services
 Management Assistance Group

Miami-Dade County
 -Department of Human Services
 Miami-Dade Commissioner Jimmy Morales
 National Immigration Law Center
 NOW Legal Defense Fund/Legal Momentum
 Public Welfare Fund
 Riverside Front Porch Revitalization Council
 Sisters of Humility of Mary
 U.S. Department of Justice
 -Office of Refugee Resettlement
 -Violence Against Women Office



FIAC won asylum for a 19-year-old Ethiopian man who was brutally tortured and imprisoned

for two years because of his political beliefs. He was a member of the Oromo Liberation Front (OLF), which is fighting for self-government for the Oromo people in southern Ethiopia. Conditions at the jail were horrific. Prisoners were given only bread to eat twice a day; slept on pieces of canvas on the floor; were allowed outside three times a day to go to the bathroom; were beaten by guards; were not allowed to bathe for the entire year; and were forced to bury those who died. He and a friend with whom he had been imprisoned swam for six hours to a large ship anchored in the harbor. They arrived in the U.S. as stowaways.



Having established a national and international reputation for its legal training expertise in domestic violence and human trafficking issues, our LUCHA staff was busier than ever with legal trainings and technical assistance around the country and in Central America in addition to their representation of hundreds of clients.

*FIAC and counsel from Shook, Hardy & Bacon
and Florida Legal Services represented Kenier*

Tima, an unaccompanied Haitian boy who arrived in the United States by boat in October 2002. Kenier was 16 when he arrived, but DHS claimed that he was an adult based on a dental examination of his wisdom teeth and a bone examination of his wrist. Kenier, therefore, was moved to New Orleans and placed in an adult jail there for nine months. FIAC, along with Shook, Hardy & Bacon's attorney in New Orleans, filed a complaint in federal court. FIAC subpoenaed the government's bone expert, who told the judge that he did not know that the examination he was performing on Kenier was going to be used by DHS to establish the child's chronological age, much less for the purpose of holding him in an adult jail. He said that the tests were not designed for that purpose. DHS finally conceded that Kenier was a minor and agreed to transfer him back to Boystown, the main shelter for unaccompanied minors. FIAC secured Kenier's release to his uncle.

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F IAC is a not-for-profit organization that depends upon the generosity of individuals, corporations, and foundations for our financial support and funding. This support enables us to help immigrants from all over the world. Below are various ways you can help:



What began as a dream for a Chinese woman who married a U.S. citizen

turned into her worst nightmare. Following his discharge from the military, the woman, pregnant with her second child and her infant daughter in tow, arrived in Stuart, FL. Instead of welcoming her to the proverbial house with a white picket fence, the husband housed his wife and daughter under a makeshift tent, where they lived for nearly a year. Once a week, the husband would bring his wife to a church for free food. Otherwise, the woman and her daughters survived on a diet of stale bread and peanut butter. They also moved from one makeshift place to another. Finally, a neighbor at a Fort Pierce motel where they had stayed reported the husband's abuse to the police, who took the woman and her children to a SafeSpace shelter, which contacted FIAC. FIAC filed her immigration application, helped her obtain public benefits, and secured an attorney from Florida Rural Legal Services for her divorce. An incredibly hard worker, she was recently the recipient of a Habitat for Humanity house.

TORCH OF LIBERTY SOCIETY

FIAC created the Torch of Liberty Society to provide individuals with the opportunity to support FIAC at higher financial levels, while simultaneously supplying donors with certain benefits at all giving levels.

PLANNED GIVING

In addition to accepting cash gifts, FIAC also accepts planned or deferred gifts in the form of a Bequest, Charitable Remainder Trust and Endowment. You can also make FIAC the beneficiary of a Life Insurance policy.

SPONSORSHIP AND UNDERWRITING

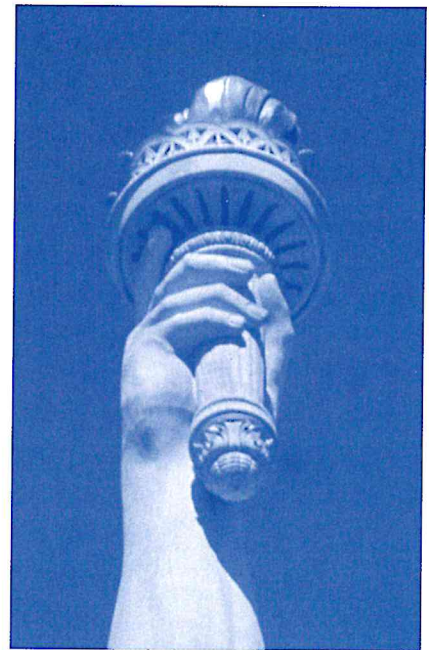
FIAC holds an Annual Awards Dinner to honor individuals and organizations that play an important role in our work and community. This event offers numerous Sponsorship and Underwriting opportunities.

ONLINE DONATIONS

It is now possible to use your credit card to make an online contribution to support the work of FIAC. Simply log onto our website www.fiacfla.org and click on "Support FIAC". Donating online is safe, secure and private.

VOLUNTEER OPPORTUNITIES

Volunteers are always needed to carry out administrative tasks such as data entry, translations, filing, etc. FIAC also needs community minded individuals to serve as volunteers on a number of committees.



For more information on how you can help, please contact us via e-mail at info@fiacfla.org.

Xi Mei, a 17 year old girl, immigrated from rural China after being repeatedly physically and emotionally abused by her parents. The Chinese are encouraged by the government to limit the number of children they have and boys are favored. Xi Mei was the third, unwanted daughter in the rural part of China where her family lived. When her parents sold her to marry an older man, a relative helped her to escape. Xi Mei arrived in Miami in September 2003 and was detained at Boystown for about a year. FIAC got permission from DHS to take her to state juvenile court and in August, 2004, the state court judge ruled in her favor. When the judge granted the dependency order, Xi Mei knelt on the ground, folded her hands, and bowed her head to the judge in gratitude. The next day, DHS announced that it had changed its interpretation of the law and would no longer grant residency to children unless they were under 18 years of age (versus 21) at the time residency was granted. Xi Mei should have had three years to apply for and secure residency. Instead, she suddenly had less than 2 days! Each step to obtain legal residency for Xi Mei, which usually takes weeks or months, now had to be done in hours. Through extraordinary efforts and despite the anticipated arrival of a major hurricane, FIAC staff obtained her residency at 5:30 p.m., the Friday before her 18th birthday. FIAC called community groups which helped her to find a good family with whom she can live. She is now working and hopes to begin school soon.



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