

When Gay Rights Meet Immigrant Rights

Client in Same-Sex Marriage Gets Green Card

The AIDS Law Project reached a milestone in February when for the first time it secured for a client a permanent resident visa, commonly called a green card, based on a same-sex marriage.

The occasion was especially sweet for **Yolanda French Lollis**, the AIDS Law Project's managing attorney and an expert in immigration law, who represented the couple.

"It combines two things I'm passionate about – gay rights and immigrant rights," she said.

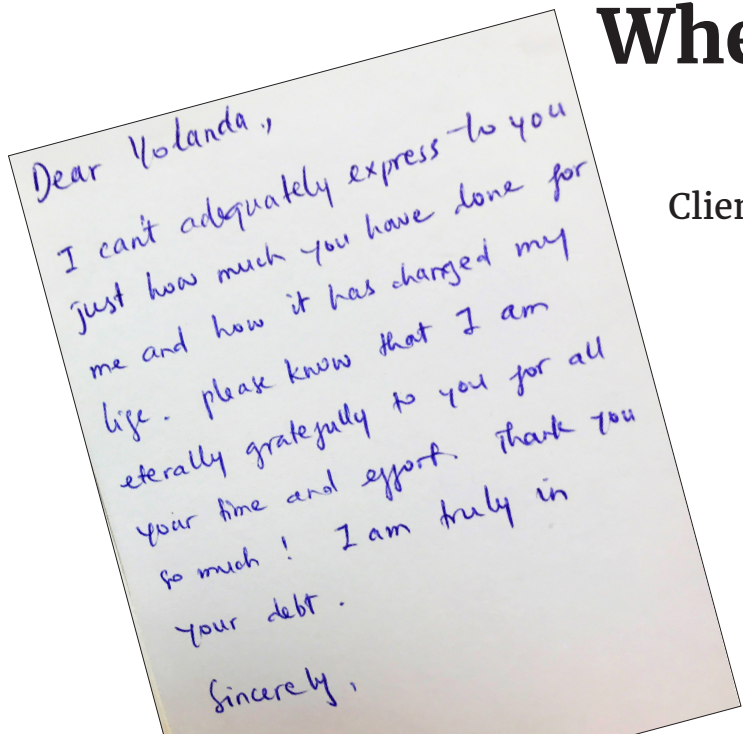
It is also a development that would have been hard to imagine not all that long ago.

For starters, people with HIV were once banned from getting green cards, a restriction the Obama administration rescinded in 2010.

Next came the U.S. Supreme Court's *Obergefell v. Hodges* decision in 2015, making marriage equality the law of the land. Since then we have counseled more than a dozen same-sex couples on their immigration rights.

But the immigration landscape has changed dramatically recently, with the Trump administration making tougher

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A note to the AIDS Law Project's managing attorney, **Yolanda French Lollis**, from a client she helped to get a green card.

AIDS Law Project Stands Up for Safehouse

The AIDS Law Project has taken on as a client a new nonprofit organization determined to stem the tide of drug overdose deaths that have ravaged Philadelphia in recent years.

Safehouse wants to offer a range of overdose prevention services, including safe consumption and post-consump-

tion rooms staffed by a medical staff that could administer overdose reversal when needed.

Jose A. Benitez, executive director of Prevention Point Philadelphia, is president and treasurer of the Safehouse board of directors and **Ronda B. Goldfein**, executive director of the AIDS

Law Project of Pennsylvania, is vice president and secretary.

"People are dying at an alarming rate," Jose said. "We have a moral imperative to do whatever we can to save lives and help people get into treatment."

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INSIDE

SETTLEMENT PAYMENTS

Payments have been mailed to class members of the Aetna Inc. HIV data privacy breach class action lawsuit that resulted in a \$17 million settlement. **Page 3**

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2018 LEGAL SERVICES

Our annual snapshot of the legal issues we worked on and the clients we served in 2018. **Page 5**



NEW OF COUNSEL

John J. Grogan, partner at Langer, Grogan & Diver P.C., joined the AIDS Law Project as our second volunteer of counsel in January. **Page 6**



FROM THE EXECUTIVE DIRECTOR

Responding to Changing Needs

The AIDS Law Project was born in the crucible of the early days of the AIDS epidemic, a public health crisis that helped define the era.

Stigma and discrimination were rampant. People with HIV and AIDS sometimes needed a lawyer just to get health care.

Thankfully, the nature of HIV and AIDS has changed, and the AIDS Law Project has changed to respond to the needs in various communities.

We have always had a laser focus on people living with HIV and AIDS, but in recent years we came to realize that our mission needed to broaden. We saw that people at risk of HIV also have unique legal issues and could benefit from the expertise we developed over 30 years.

The opioid crisis that has gripped the nation has hit Philadelphia particularly hard. The city has the highest overdose death rate of any major U.S. city, creating another public health crisis of daunting proportions.

In response, a new nonprofit is working to keep drug users alive until they are ready to seek treatment.

That's why the AIDS Law Project has stepped up to defend Safehouse, which wants to provide overdose prevention services and is profiled on the cover of this issue of *Good Counsel*.

Our work to establish Safehouse is in collaboration with our good friends at Prevention Point Philadelphia, where we have reached out to a vulnerable population with another new program.

We started a legal clinic to help Prevention Point clients to qualify for a recently restarted state General Assistance program that offers cash assistance to people with disabilities. This program can be a lifeline to those people, some who are homeless and have no income.

Finally, thanks to a generous \$13,000 grant from Philly AIDS Thrift, we are expanding our "Your Life, Your Decisions" program, which helps clients prepare estate documents, get legal identification and legally change their names, important services for LGBT older adults, Prevention Point clients and the transgender community.

Even while we are extending our services to new populations, we remain committed to our primary mission of making sure people with HIV have access to justice.

Ronda

N A V I G A T I N G T

Fear Prompts N.J. Immigrant To Seek Permanent Residency

HIV NO LONGER A BARRIER TO GREEN CARD

The man was granted asylum to stay in the United States in 2000 based on his fear of persecution in his native Nicaragua.

The logical next step usually would be to seek the more secure status of becoming a legal permanent resident.

But it was a step the man, now 64, could not take because at that time federal law banned people with HIV from becoming permanent residents.

Even though he was in the country legally, in recent years his anxiety had increased as the debate over immigration became more contentious.

"The general climate around immigration made him feel more vulnerable than before," said **Juan M. Baez**, deputy managing attorney of the AIDS Law Project. "He was afraid he was going to be targeted."

The man, who lives in Camden and speaks only Spanish, learned of the legal services the AIDS Law Project provides in South Jersey from his health care provider at Cooper University Hospital in

Camden.

Juan, who is bilingual, first discussed the case with the man in 2016 and was pleased to inform him that the ban on people with HIV was lifted by the Obama administration in 2010.

Juan and his client started working on the application for permanent residency. Although the AIDS Law Project provides services free of charge, the man needed to raise money for other expenses, such as a required medical examination and vaccination report. That took some time because the man works in landscaping and sends money to his family in Nicaragua.

Juan filed the application in late 2017 and was notified in January that his client has been approved as a permanent resident.

"He was very relieved and happy," Juan said.

In four years he can apply for citizenship, completing the mission he started almost 20 years ago when he fled his homeland seeking a better life.

Financial Woes Imperil Vietnam Veteran's Home

WITH ATTORNEY'S HELP, HE'S NOW SECURE

The 63-year-old disabled Army veteran who had served two tours of duty in Vietnam was in serious financial trouble.

He had fallen behind on paying his rent and other bills and his landlord had taken him to court. That's when **Jeni Wright**,

the AIDS Law Project's housing attorney, got involved.

Jeni learned that the landlord charged her client \$100 for every maintenance call regardless of what needed to be repaired. The man survived on \$770 a month

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Longtime Benefits Suddenly Threatened

POLICY NOW REQUIRES PEOPLE WITH HIV TO PERIODICALLY PROVE THEY ARE DISABLED

The 49-year-old man had been receiving public benefits since 2006, when the Social Security Administration determined he was disabled because he was living with HIV.

Then suddenly in September 2017 his benefits were cut off.

“He was extremely anxious,” said **Jacob M. Eden**, an attorney for the AIDS Law Project. “He didn’t know how he was going to support himself.”

For decades, the SSA didn’t ask people disabled by HIV to periodically complete a continuing disability review because they were not expected to improve.

In 2017, the SSA changed the policy to reflect the advances in HIV treatment and began to require people with HIV to prove that they were still disabled.

As a result, many people who had benefits for a decade or more – like our client – were suddenly undergoing continuing disability reviews. Our client’s benefits were terminated because his HIV was now stable and his viral count was undetectable.

“We’ve definitely seen an uptick in

these kinds of cases,” Jacob said.

The man had filed an appeal on his own. As Jacob reviewed the case he realized the SSA had given the man the wrong form, which didn’t include information on how he could continue to receive benefits while the appeal was being considered.

Once Jacob had assured that the man’s benefits would not be interrupted, he dug deeper into the case file.

Jacob discovered that the SSA file listed HIV as his sole impairment, even though the client had psychiatric hospitalizations, ongoing mental health treatment, and a traumatic brain injury that left him unable to read or write.

Jacob submitted medical records to the SSA to document his client’s disabilities and attended a hearing in July 2018. After the hearing, he continued to follow up with the hearing officer, updating him on the client’s current treatments.

On Nov. 21, the day before Thanksgiving, the welcome news arrived that they had won the appeal and the client would continue to get his benefits.

“He cried and repeatedly thanked me,” Jacob said. “It had been really weighing on him.”

Veteran

Continued from Page 2

in Social Security disability benefits. It simply wasn’t enough to pay his back rent and the excessive maintenance charges that had piled up.

Jeni negotiated with the landlord to have the outstanding maintenance fees her client owed reduced by about half.

Along with the man’s Veterans Administration case manager, she encouraged him to apply for assistance from the Utility Emergency Services Fund, a non-profit organization that has a special fund for veterans for rental assistance.

The landlord agreed to accept payments from the fund and withdrew the

complaint.

Unfortunately, the client subsequently failed to make payments on time and the landlord sought to take him back to court for the breach of the payment plan.

Jeni represented him once again and argued that her client had only been a few days late. She also contended that when the landlord accepted money from UESF he waived his right to complain if the tenant failed to make payments.

The landlord agreed and withdrew the complaint.

The veteran is now paid in full and secure in his apartment in West Philadelphia, in a neighborhood he knows well that is close to the services he needs.

“He was very, very happy he could stay in his apartment,” Jeni said.

LEGAL NEWS

Payments made in \$17 million class action suit

Payments have been mailed to class members of the Aetna Inc. HIV data privacy breach class action lawsuit that resulted in a \$17 million settlement.

In July 2017, current and former customers of Aetna received letters in envelopes with a large transparent window that accidentally revealed the recipients had been prescribed HIV medications.

The AIDS Law Project of Pennsylvania, the Legal Action Center and Berger & Montague, P.C. filed the lawsuit in August 2017. The plaintiffs included people taking medication to treat HIV as well as people who take PrEP, a pre-exposure prophylactic that prevents HIV transmission.

Aetna agreed to the settlement in January 2018 and the U.S. District Court for Eastern Pennsylvania approved it in October 2018. Settlement checks were mailed in December 2018 and in February 2019.

Aetna improperly shared with its legal counsel and a mail vendor the names of 13,487 customers who had been prescribed HIV medications, according to papers filed in support of the settlement. Of those, 11,875 people were sent the large-windowed envelopes revealing confidential HIV-related information, according to the papers.

Class members sent the faulty envelopes received at least \$642.43. They also had the opportunity to seek additional monetary relief of up to \$20,000 by documenting financial or non-financial harm.

FROM THE COVER

New Legal Clinic Opens

The AIDS Law Project has launched a new clinic at Prevention Point Philadelphia to help its clients participate in a recently restarted state General Assistance program.

The program, which provides minimal cash assistance to people with disabilities, was discontinued in 2012 but reinstated last year.

"We're letting people know it's back," said **Jacob M. Eden**, the AIDS Law Project staff attorney who supervises the clinic.

The clinic started March 1 and is in addition to the other legal services the AIDS Law Project offers to clients of Prevention Point, which runs the only sanctioned syringe exchange program in the region as well as offering other services.

Prevention Point serves a large population of people who are homeless or have no income. Many need help dealing with the strict rules governing General Assistance.

Participants can have no outstanding warrants or be in violation of probation or parole. They cannot owe any fines or court costs unless they are on a payment plan.

"The goal is to help people resolve warrants and get into payment plans so they can get General Assistance," Jacob said.

The clinic is benefiting from the invaluable assistance of two interns, **Kevin Matthews** and **Larissa Morgan**, both first year students at the University of Pennsylvania Law School.

Green card

Continued from Page 1

enforcement a priority.

Our immigrant client came to the U.S. from Vietnam in 2014 on a visitor's visa and married his U.S. citizen partner in Philadelphia in 2017. He came to the AIDS Law Project a week after the wedding.

"He was concerned about his immigration status because of the current political climate," Yolanda said. "He was scared and felt like he could get picked up at any time."

Applying for a green card is a complicated, lengthy and expensive process. The stakes are high because unsuccessful applicants can be ordered to leave the U.S., dramatically altering their futures.

For our client, that raised fears about what kind of medical treatment would be available in Vietnam and the stigma he could face.

Our colleagues at the AIDS Fund provided some financial assistance for the filing fees in

this case when Yolanda submitted the application.

But the filing fees are not the only financial barrier.

"A lot of people don't realize that citizen spouses have to prove they can financially support the immigrant spouse," Yolanda said. "That prevents a lot of people from applying, regardless of sexual orientation."

One option is to arrange a third-party joint sponsor who will vouch to financially support the immigrant if necessary, which Yolanda noted was a huge obligation.

The couple in this case was able to secure such a joint sponsor, so they were able to proceed with what remained a daunting endeavor.

Yolanda helped the couple prepare the application, which she filed in January 2018.

The couple was overjoyed when word arrived in February that the application had been approved and they could get on with their lives free from fear.

ABOUT US

WHAT WE DO

The AIDS Law Project of Pennsylvania is a non-profit, public-interest law firm. We publish *Good Counsel* semiannually for our friends, volunteers and colleagues committed to protecting the rights of people with HIV and those at risk of HIV. Last year, we worked on 2,160 legal issues, nearly all from people with HIV. We help people navigate the legal system, the welfare system, the housing system, and the worlds of public and private insurance. We provide education and training to professionals who work with people with HIV.

WHO WE ARE

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WHERE WE ARE

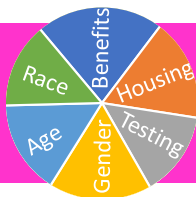
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On Twitter: [@AIDSLawPa](https://twitter.com/AIDSLawPa)

HOW TO HELP

Remember us at workplace giving time. When you donor-designate in your workplace giving campaign, remember your neighbors served by the AIDS Law Project of Pennsylvania.

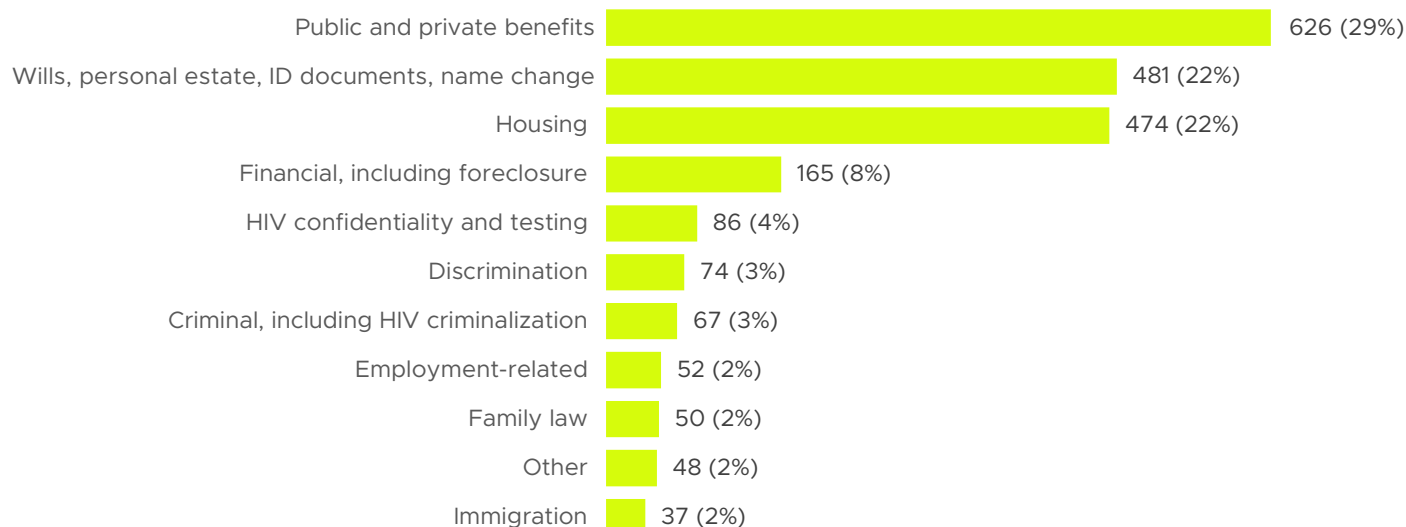
United Way of SEPA: Specific Care Option #09067
Combined Federal Campaign: Donor Option #36027



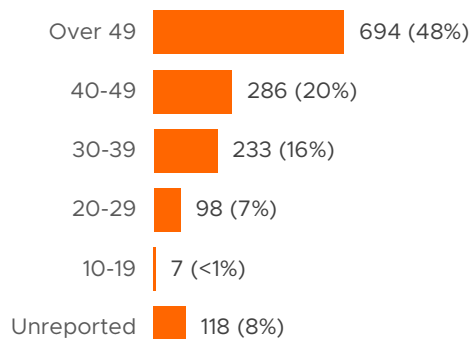
LEGAL SERVICES IN 2018

Last year, 1,436 people contacted the AIDS Law Project of Pennsylvania and its program, the AIDS Law Project of Southern New Jersey, seeking assistance on a total of 2,160 legal issues. Nearly all requests came from people living with HIV. The following charts provide additional information on the types of legal issues we worked on and the clients who requested assistance.

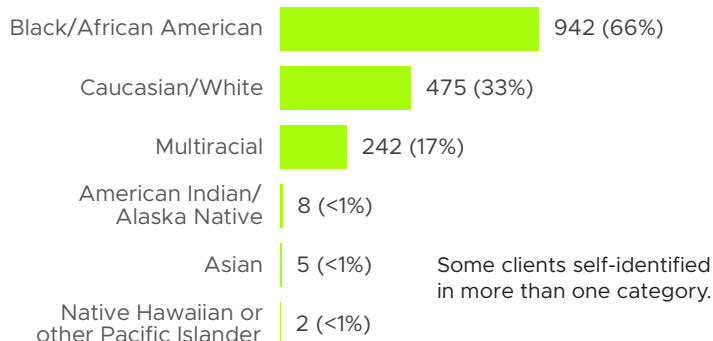
LEGAL ISSUES WORKED ON BY TYPE



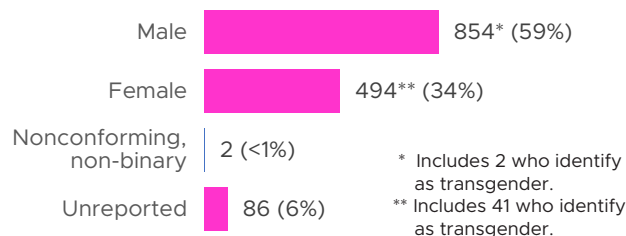
CLIENTS BY AGE



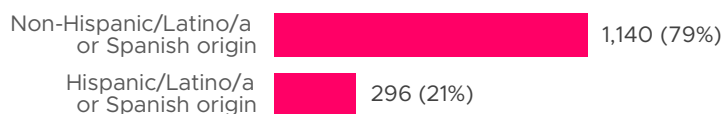
CLIENTS BY RACE



CLIENTS BY GENDER



CLIENTS BY ETHNICITY



INSIDE THE AIDS LAW PROJECT

HIV Justice Network Maps Strategy

The Positive Women's Network, the Sero Project, and the AIDS Law Project held a two-day meeting in Milford in February for people living with HIV and their allies.

The goal was to create the Pennsylvania HIV Justice Network, a statewide group of individuals and representatives of organizations that could speak to legislators and policy leaders with an empowered collective voice.

Among the objectives was identifying current trends affecting Pennsylvanians living with HIV in both rural and urban counties and bringing in a broad range of people to the network.



Grant Boosts 'Your Life, Your Decisions' Program

Philly AIDS Thrift has made a generous grant to support the AIDS Law Project's "Your Life, Your Decision" program.

The program helps clients prepare estate documents, get legal identification and change their legal names. The services are available to people living with or at risk for HIV in Pennsylvania and Southern New Jersey.

Philly AIDS Thrift presented a \$13,000

check to the AIDS Law Project at its main store, 710 S. 5th St., Philadelphia, on Feb. 7.

Vulnerable populations, such as LGBT older adults, clients of Prevention Point Philadelphia, the city's only legal needle exchange, and the transgender community are less likely to have the documents they need.

As the majority of the AIDS Law

Project's clients are low income, free document preparation ensures peace of mind for individuals who would not otherwise have access to an attorney.

GOOD COUNSEL BY E-MAIL

Want to get the newsletter electronically? Sign up at AIDSLawPa.org/e-newsletter.

BRIEFLY NOTED

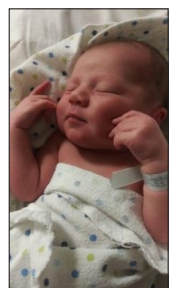


WELCOME: John J. Grogan, a founding partner of Langer, Grogan & Diver P.C., joined the AIDS Law Project as our second volunteer of *counsel* in January. John first worked with the AIDS Law Project 20 years ago, when he was at the Camden Center for Law and Social Justice, a nonprofit public-interest law firm he co-founded. The AIDS Law Project and the Camden Center established our first South Jersey office, which was then based in the AIDS Coalition of Southern New Jersey.

FAREWELL: Mike Ippoliti, Joann Leszczynsky and RJ Thornburg have left the board of directors. We thank them for their invaluable contributions and wish them well in all their future endeavors.

THANK YOU: Kim and Lynora Silverman hosted a wonderful house party to benefit the AIDS Law Project at their home in Philadelphia on Feb. 17.

ARRIVED: We are overjoyed to welcome Nova Rogue Weney Lowe to the AIDS Law Project family. Nova was born to parents Meridian Lowe and John Lang on Feb. 20. Proud grandfather, staff attorney Adrian M. Lowe, reports that Nova and her parents are doing well. In the AIDS Law Project's 30 years, we have been blessed with many babies. Adrian is the first staffer to become a grandparent while working at the AIDS Law Project.



THE AIDS LAW PROJECT AT WORK

Safehouse

Continued from Page 1

Safehouse sees itself as one vital element in what needs to be a unified, full court press to address a public health crisis.

But opening what would become the first overdose prevention facility in the country will not be an easy fight.

For starters, U.S. Attorney **William M. McSwain** filed a lawsuit Feb. 5 asking a judge to rule that some of the services Safehouse would offer are illegal.

The AIDS Law Project is grateful to be joined in its defense of Safehouse by the international law firm, DLA Piper, which is providing its representation free of charge. **Ilana Eisenstein**, a partner at DLA Piper, said she was pleased the lawsuit was filed as a civil, rather than criminal, matter and her law firm had joined the fight for the long haul.

Joining Jose and Ronda in guiding Safehouse is an impressive array of religious and civic leaders, health care professionals, academics and activists. **Edward G. Rendell**, former mayor and district attorney of Philadelphia and former governor of Pennsylvania, is on the board of directors and signed the documents to incorporate Safehouse.

Other board members at this time are **Chip Mitchell**, lead evangelist at the Greater Philadelphia Church of Christ, and **Frank A. James III**, DPhil, PhD, president and professor of historical theology at Missio Seminary.

Safehouse will benefit from the input of an advisory committee of community leaders and health care experts, including **Ana V. Diez Roux**, dean of Drexel University Dornsife School of Public Health, **Thomas Farley**, commissioner of Philadelphia's Department of Public Health, **Perry N. Halkitis**, dean of the School of Public Health at Rutgers University, **David T. Jones**, commissioner of Philadelphia's Department of Behavioral Health and Intellectual disAbility Services, **Larry R. Kaiser**, president and CEO of Temple University Health System, **Sister Mary Scullion**, president and executive director of Project HOME, and **Sterling Johnson**, a lawyer, geographer and a person in recovery.

In response to the fact that Philadelphia has the highest overdose rate of any major U.S. city, the Mayor's Task Force to Combat the Opioid Epidemic in Philadelphia developed a range of recommendations. In January 2018, city officials announced they would permit an overdose prevention facility to open as long as it was established and operated with private dollars.

Prevention Point Philadelphia was a logical place to start because of its 26 years of experience in running the region's only authorized syringe exchange program as well as other services out of its Kensington headquarters.

Prevention Point reached out to the AIDS Law Project because for years it has offered legal services to Prevention Point clients.

Safehouse developed a medically based model designed to keep people with substance use disorder alive until they are ready to seek treatment.

Safehouse would provide a range of services, including on-site initiation of Medically Assisted Treatment, recovery

counseling, education about substance use treatment, basic medical services and referrals to supporting services such as housing, public benefits and legal services.

Organizers have raised about \$200,000 for planning purposes. They believe they need about \$1.8 million to launch and operate Safehouse in its first year, followed by about \$800,000 a year after that.

Safehouse could become the first overdose prevention service to open in the U.S., although several other major cities are considering the move. There are about 120 supervised consumption sites in Europe, Canada and Australia.

Supporters say Safehouse will reduce fatal opioid overdoses and get more people into treatment, while reducing the strain on emergency medical services and health services.

In addition, by providing a supervised place to consume drugs, fewer people will be using drugs on the streets. Less drug paraphernalia will be publicly discarded, a serious problem in some neighborhoods.

Research of existing facilities shows they do not increase drug use or crime in the areas they are located. No overdose deaths have been reported at any existing overdose prevention facility.

On the legal front, the U.S. Attorney has labeled Safehouse as an illegal activity. The lawsuit asks a federal judge to decide whether it would violate federal drug laws enacted in the 1980s aimed at crack houses.

Ronda said federal law does not prohibit the types of legitimate medical and public health intervention Safehouse would provide. Far from resembling a crack house, Safehouse would provide urgent, lifesaving medical care to those at risk of drug overdose, she said.

"The intent of Safehouse is to save lives, which is consistent with the intent of federal drug laws," Ronda said.

To learn more about Safehouse, go to the website at www.safehousephilly.org.

TAKE A SEMINAR, TAKE CONTROL

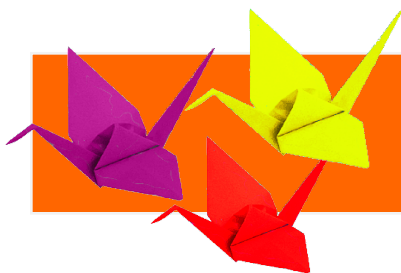
Our free seminars are held at our offices at 1211 Chestnut St., Suite 600. Call 215-587-9377 for more information.

Marriage and Public Benefits: A Buyer's Guide: People on public benefits need to be informed about the impact getting married could have on them. **Every Friday, 9:30 a.m.-1 p.m.**

Housing: Tenants' Rights and Responsibilities: Learn about protecting and retrieving deposits, record keeping, qualifying for subsidies, dealing with utilities, and all aspects of the landlord/tenant court process. **Second Thursday of the month, noon-2 p.m.**

Back To Work: Learn the rules of returning to work so you won't lose the benefits that got you healthier in the first place. **Second Tuesday of the month, noon-2 p.m.**

Leaving Your Job: A step-by-step timeline of what to expect when moving from the working world onto disability benefits. **Second Wednesday of the month, noon-2 p.m.**



OUR FUNDERS AND DONORS

Gifts received October 1, 2018 through March 31, 2019

Major Funders, Grants and Contracts

AIDS Fund
AIDS Healthcare Foundation
Broadway Cares/Equity Fights AIDS
Health Federation of Philadelphia
Independence Foundation
MAC AIDS Fund
The Mayor's Fund for Philadelphia
New Jersey Interest on Lawyers' Trust Accounts (IOLTA)
Pennsylvania Interest on Lawyers' Trust Accounts (IOLTA)
Philadelphia Bar Foundation
Philadelphia Department of Public Health, AIDS Activities Coordinating Office (AACO)
The Philadelphia Foundation
Philly AIDS Thrift Prevention Point Philadelphia

Gifts of \$5,000 to \$9,999

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Gifts of \$2,500 to \$4,999

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