



ANNUAL LEGAL REPORT

2022





ABOUT

The Council on American-Islamic Relations, California (CAIR-CA) is a chapter of the nation's largest American Muslim civil rights and advocacy organization. CAIR-CA's mission is to enhance understanding of Islam, protect civil rights, promote justice, and empower American Muslims.

Through our offices in the Greater Los Angeles Area, Sacramento Valley, San Diego, and the San Francisco Bay Area, CAIR-CA provides direct legal services to California's estimated one million American Muslims. CAIR-CA also works with the media, facilitates community education as it relates to civil rights and civic participation, as well as engages in policy advocacy to advance civil rights and immigrants' rights.

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EXECUTIVE SUMMARY

Espera is to wait.

Esperanza is to hope.

In Spanish, you cannot have one without the other. The same is true in life, regardless of the language you speak.

We have all spent 2021 waiting. We have waited for changes promised by the Biden administration, the global COVID-19 pandemic to finally recede, for justice following the January 6 insurrection, for the verdict to be announced in the cases of George Floyd and Ahmaud Arbery's murders, and for Afghan parolees to be swiftly and safely welcomed.

However, CAIR-CA did not spend this period of waiting in vain. Across the state, our offices received 1,990 intakes in 2021. The intakes received described complaints from community members related to religious-based discrimination and Islamophobic bias incidents, as well as requests for immigration legal services, as community members sought asylum or applied for adjustment of status.

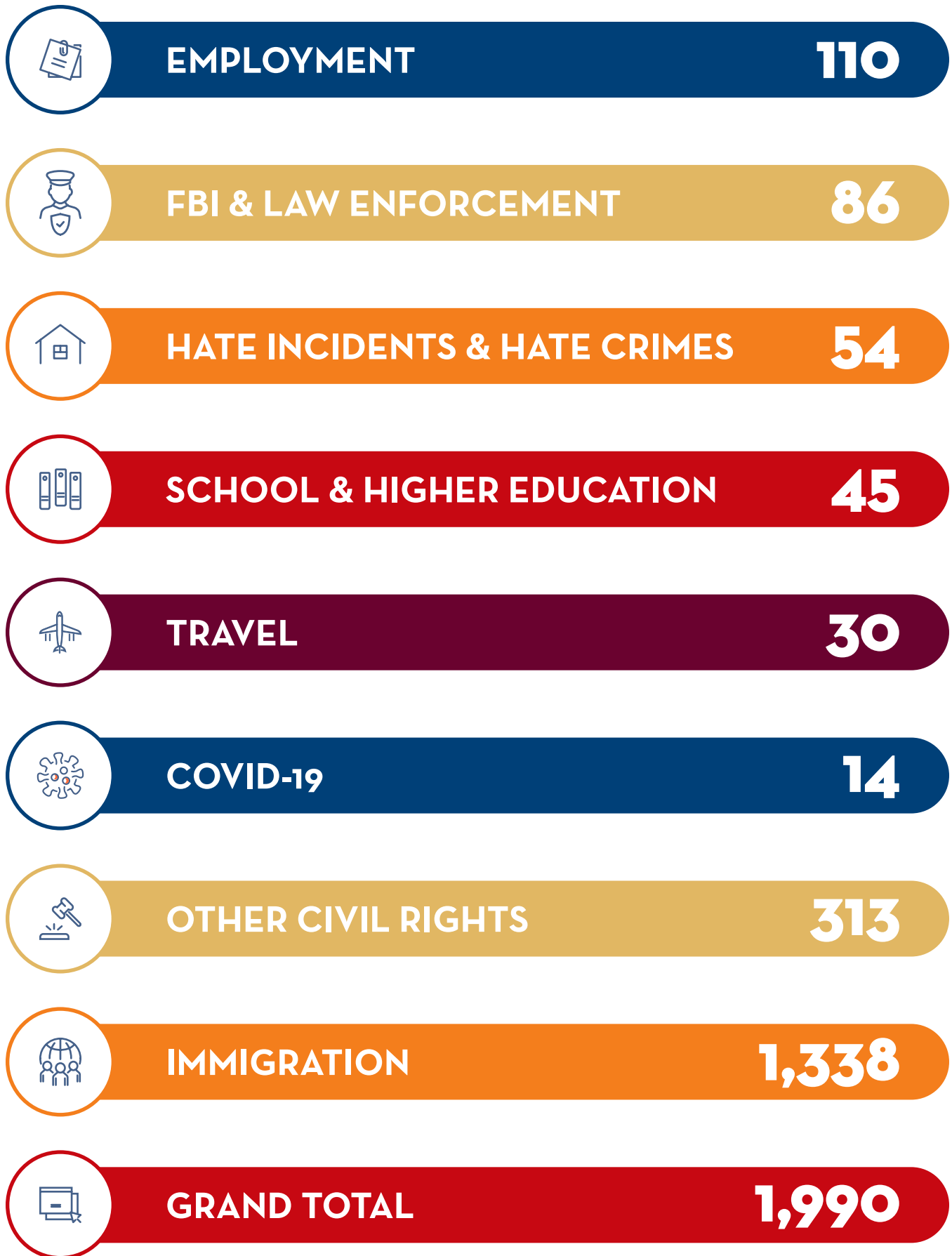
Of these requests for legal assistance, our Greater Los Angeles Area office received 837, followed closely by the 725 reported to our San Francisco Bay Area office. The Sacramento Valley and Central California office received 366, with our office in San Diego receiving 62.

70% of these intakes were requests for immigration services – 1,338 requests throughout the state. CAIR-CA's immigration attorneys represented clients on

matters as diverse as removal defense, naturalization, petition for relatives, and much more. Naturalization services were the most-requested service in 2021, with Humanitarian Parole Applications and other immigration assistance similarly in high demand. Our legal team was called to adjust to rapid shifts in immigration law following the change in the presidency and the sudden influx of evacuees from Afghanistan – all while continuing and expanding their capacity for immigration delay litigation, removal defense, and representing minor children alone in the United States. The combined perseverance, patience, and persistence of our immigration attorneys and their clients proved victorious in securing many of our community member's permanent legal status in the United States.

The remaining 30% of intakes, 652 reported incidents, were handled by our civil rights legal team. The most-reported categories of civil rights violations that CAIR-CA offices received were employment discrimination, law enforcement harassment, and hate incidents. Our civil rights team carries the privilege of representing community members who have suffered discrimination from the effects of hyper-surveillance from law enforcement and other forms of institutionalized Islamophobia, as well as anti-Muslim conduct in school, work, or while traveling and who have been victimized by Islamophobic hate incidents and crimes. For our civil rights team specifically, 2021 was full of moments where the power of patient perseverance proved victorious in pursuing justice for victims as well as enacting policy change.

At CAIR California, 2021 will not be forgotten – but our memories will be of the successes that rewarded our patience. The Quran reads, “Oh you who believe! Persevere in patience and constancy. Vie in such perseverance, strengthen each other, and be pious, that you may prosper” (3:200) – it is the perseverance of our community that has inspired the work of our legal departments. Legal work cannot be undertaken without hope. Cases can take months to build, only to be decided in moments – but it is all worth the work, in the hopes that our clients are better off now than they were before. This is especially true in the areas of law that CAIR-CA specializes in: civil rights litigation and immigration legal services.





INTAKES RECEIVED BY OFFICE

CAIR-LA	837
CAIR-SD	62
CAIR-SFBA	725
CAIR-SV/CC	366
	1,990



EMPLOYMENT

Failure to Hire	10	0.5%
Hostile Work Environment/Harassment	61	3.1%
Religious Accommodations	7	0.4%
Retaliation/Wrongful Termination	32	1.6%
	110	5.5%



HATE INCIDENTS & HATE CRIMES

Hate Crimes	13	0.6%
Hate Incidents	41	2.1%
	54	2.7%



SCHOOL & HIGHER EDUCATION

K-12 Accommodation	11	0.6%
K-12 Bullying	20	1.0%
Higher Education Accommodation/ Discrimination	14	0.7%
	45	2.3%



TRAVEL

Airlines	8	0.4%
Transportation Security Administration (TSA)	17	0.9%
Customs and Border Patrol (CBP) & Immigration and Customs Enforcement (ICE)	5	0.3%
	30	1.5%



FBI & LAW ENFORCEMENT

FBI Voluntary Questioning	50	2.5%
State & Local Law Enforcement	36	1.8%
	86	4.3%



COVID-19 RELATED BENEFITS, PAYMENTS & HOUSING

Unemployment Benefits Assistance	9	0.5%
Stimulus Payments Assistance	2	0.1%
Tenants' Protection & Eviction Defense	3	0.2%
	14	0.7%



OTHER CIVIL RIGHTS CONCERNS

Inmate Issues	32	1.6%
Housing Discrimination	19	1.0%
Public Accommodation	27	1.4%
Civil Rights Totals	235	11.8%
	313	15.7%



IMMIGRATION MATTERS

Naturalization or Citizenship Preparation	290	14.6%
Adjustment of Status/LPR	139	7.0%
Petition for Alien Relatives or Future Relatives	149	7.5%
Asylum	126	6.3%
Removal Defense	105	5.3%
Temporary Protected Status (TPS)	39	2.0%
T/U Visa & VAWA Petitions	28	1.4%
Humanitarian Parole Applications	236	11.9%
Other Immigration Assistance	219	11.0%
Immigration Benefits Delay	7	0.4%
	1338	67.2%

IMMIGRATION INTAKES

RECEIVED IN 2021



290

NATURALIZATION
OR CITIZENSHIP
PREPARATION



149

PETITION FOR
ALIEN/FUTURE
RELATIVES



39

TEMPORARY
PROTECTED STATUS
(TPS)



219

OTHER
IMMIGRATION
BENEFITS



139

ADJUSTMENT
OF STATUS/LPR



28

T/U VISA & VAWA
PETITIONS



236

HUMANITARIAN
PAROLE



126

ASYLUM



7

IMMIGRATION
BENEFIT DELAYS



105

REMOVAL
DEFENSE



IMMIGRATION

CAIR-CA first introduced its Immigrants' Rights services in 2014, and what began at our CAIR Greater Los Angeles Area office (CAIR-LA) is now provided throughout the state.

As the heat of summer faded, our offices paid close attention to the Biden Administration's foreign affairs. The President's abrupt end to the 20-year American military occupation of Afghanistan was both a decades-late decision and an ill-planned impulse.

President Biden's decision to end the United States' military occupation of Afghanistan led to an influx of new Afghan arrivals to California. CAIR-CA moved swiftly to address the immigration needs of these individuals and their families. CAIR-CA provided these services while continuing to provide other immigration services to the larger community, such as affirmative relief, removal defense, and mandamus petitions.

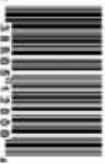
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20 YEAR AMERICAN
MILITARY OCCUPATION
OF AFGHANISTAN WAS
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DECISION AND AN ILL
PLANNED IMPULSE**

San Francisco Chronicle



Weather
Partly sunny.
Highs: 59-64.
Lows: 43-53.

C6



Afghan couple's escape highlights risks facing professional women

By Deepa Fernandes

Carrying a few meager belongings and using assigned code names, the judge and her family slipped into the crowded bus terminal in Kabul, where they would attempt their escape from Afghanistan.

It was a crisp October morning and four chartered buses, hidden in plain sight inside the city's long-distance transportation hub, were quickly filling up. After weeks spent changing safe houses by night to evade Taliban patrols, the judge, her husband, their

two children and the husband's mother were now part of a daring rescue mission happening in broad daylight.

This mission wasn't devised by a foreign government or an intelligence agency, but by the International Bar Association's Human Rights Institute. Along with other nongovernmental organizations, the dues-paying professional association has attempted to fill a vacuum left since August, when U.S. forces pulled stakes from a 20-year campaign that ended with the Taliban reclaiming control of Afghanistan.

Couple continues on A9



Stephen Lam / The Chronicle

Attorney Layli Shirani represents an Afghan couple, a judge and her prosecutor husband, who hope to settle in California.

AFGHAN RESPONSE

In the power vacuum created by the removal of the American presence in Afghanistan, the Afghan government ceded control of Kabul and the country to Taliban forces in August.¹ Since then, our offices have been on the front line of providing vital information and services to concerned family members in the United States and recently arrived Afghan parolees.^a As an initial response to the humanitarian crisis, CAIR-CA offices throughout the state shifted entire legal teams to conduct legal intakes and eligibility screenings for Humanitarian Parole applicants. Humanitarian Parolee status^b was one of the few legal remedies that seemed initially to promise more immediate results than traditional immigrant visa applications.

Before the year ended, CAIR-CA had filed over 235 humanitarian parole applications and provided guidance on how to prepare the application to many more. It quickly became evident to our Immigration teams that the Humanitarian Parole process had been overwhelmed, and what was once a possibility — receiving parolee status to evacuate to the U.S. — instead became nearly impossible. Many Afghans were left stranded as the United States Citizenship and Immigration Services (USCIS) agency shifted their guidance on how Afghans can request help from the U.S., creating stricter criteria that limited humanitarian parole eligibility for many. As Afghan

CAIR-CA OFFICES THROUGHOUT THE STATE SHIFTED ENTIRE LEGAL TEAMS TO CONDUCT LEGAL INTAKES AND ELIGIBILITY SCREENINGS FOR HUMANITARIAN PAROLE APPLICANTS

evacuees arrived in the United States, calls for the government to create expedited² pathways³ for Afghan parolees went largely ignored. Thankfully, in November, the Department of Homeland Security (DHS) offered one concession: USCIS application fees for Afghan parolees admitted to the U.S. on Humanitarian Parolee status would be exempt for certain applications, and a streamlined application process would be implemented.⁴ Those that were admitted as parolees are not guaranteed a pathway to resident status. They still face a long and complex immigration process to change the temporary humanitarian parolee status into a permanent legal status.

^a Parolee is used to describe individuals who have been granted Humanitarian Parole status.

^b Humanitarian Parole is a status granted by USCIS that allows an individual to be in the U.S. for a temporary period due to urgent humanitarian reasons; the individuals must have a petitioner in the U.S. who applies on their behalf and supports them once they arrive.



ur Immigrants' Rights Centers have been able to take advantage of these streamlined application processes for Afghan parolees. For recently arrived Afghan evacuees who do not have immediate family members^c (a U.S. citizen spouse, parent, or child) to petition for them to adjust status, pathways to permanent residence are limited. For many of our community members who fled Afghanistan, one of the few pathways available to them is to apply for asylum and seek permission to remain in the United States. While the Taliban's brutality is known internationally, an Afghan's asylum application must nonetheless be carefully built to prove not only the unsafe conditions of the country, but the ways in which an individual's life would be threatened should they be returned to Afghanistan.

Our CAIR-CA Sacramento Valley/Central California (CAIR-SV/CC) office has been on the front lines of this work, as Sacramento is a major resettlement hub for refugees. The office was able to assist two cousins who fled

THE SEVEN GIRLS WERE ALSO AT RISK BECAUSE THEY WANTED TO CONTINUE THEIR EDUCATION AND PURSUE A CAREER, WHICH HAS BEEN PROHIBITED FOR WOMEN BY THE TALIBAN

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Afghanistan together after Kabul fell to the Taliban. They faced increased risks of harm because they were educated women who worked as teachers.⁵ It has been well reported that the Taliban discriminates against women. Following the Taliban takeover, a rule that prohibited girls from attending schools was announced.⁶ Past Taliban policies

^c Under U.S. immigration law, immediate family members are defined as parents, spouses and unmarried children under the age of 21 years.

specifically targeted teachers and educators,⁷ and in the first half of 2021, 45 deliberate school explosions from Taliban forces were recorded. In May of 2021 specifically, a girls' school near Kabul was targeted, killing 85 and wounding 240 – the majority of those harmed were schoolgirls.⁸ Fearing the same targeted harm, the cousins – both teachers – fled to the United States. Under the expedited processes announced by DHS, these two cousins have received their work permits, and with the help of our CAIR-SV/CC office, have submitted their applications for asylum. They have each received interview notices to complete the processing of their cases – we are hopeful that they will be granted asylum and allowed to remain safely in the United States.

CAIR-LA has similarly been the focal point for many Southern California resettlement agencies to refer their Afghan cases for immigration legal services. The first group of asylum applications that CAIR-LA prepared involved seven single, young girls. They were at risk if they returned to Afghanistan because they had close family members that worked with or supported the United States and other foreign governments. Four of the girls were siblings and their father worked closely with the U.S. government for sixteen years. The seven girls were also at risk because they wanted to continue their education and pursue a career, which has been prohibited for women by the Taliban.⁹

CAIR-LA's attorneys prepared and filed their applications in December of 2021. The team spent numerous hours preparing all seven applicants for their interviews in February of 2022. During their asylum interview, one of the young girls shared that witnessing the hardships her community faced had inspired her to become a human rights attorney. The asylum officer seemed incredibly touched by this young girl's resilience and determination. All seven girls have successfully completed their asylum interviews and CAIR-LA's attorneys are extremely happy to announce that all seven girls' asylum applications have been approved.

Our CAIR-SV/CC immigration team has also increased its capacity to take on cases of Unaccompanied Alien Children (UAC) – minors under the age of 18 who traveled to the U.S. alone or were separated from their

FAMILY SEPARATION AS IT'S OWN POLICY REMAINS A PART OF THE BIDEN ADMINISTRATION'S IMMIGRATION ENFORCEMENT – AND ONE THE ADMINISTRATION IS ACTIVELY DEFENDING IN COURT

family members when they arrived at the border.¹⁰ While the Biden Administration formally rescinded President Trump's zero tolerance border policies that led to over 3,000 families being separated¹¹ in early 2021, family separation as its own policy remains a part of the Biden administration's immigration enforcement – and one the administration is actively defending in court.¹² In 2021, CAIR-SV/CC represented a young boy who had been evacuated from Afghanistan with his brother, a former translator with U.S. armed forces in Afghanistan. They were evacuated by the U.S. military, taken to Qatar through Germany, and eventually to the United States. Despite traveling and being evacuated together, the young boy was separated from his older brother when they arrived to the U.S. because he was a minor. He was detained separately at a shelter for minor immigrants operated by the Office of Refugee Resettlement (ORR) in Chicago. The young boy was ultimately reunified with his older brother, who had relocated to Sacramento. CAIR-SV/CC was able to support him in applying for asylum, and he is awaiting his interview and decision.



The majority of CAIR-CA's immigration work seeks to secure affirmative immigration benefits for our community members, as they navigate the limited pathways to lawful permanent residence and citizenship in the United States. One such case was represented by our immigration team at the CAIR San Francisco Bay Area (CAIR-SFBA) office. This client was originally a citizen of Syria and had resided for the past 5 years as a lawful permanent resident in the Bay Area. He is a single father to a young son who suffers from a life-limiting genetic condition that requires complex care. Our attorneys assisted this father with his application for naturalization and represented him at his interview. His application was approved the same day at his interview, and after his oath ceremony, our office was also able to assist in applying for his son's citizenship certificate.

The process to become a U.S. citizen is a long journey for many people that requires various steps, numerous applications that need to be filed – with fees that cost several hundreds of dollars, and several years of processing time. For one case, the CAIR-LA team helped an

HIS SUCCESS IS THE RESULT OF HIS PATIENCE AND PERSEVERANCE - AND CAIR-LA'S PERSISTENT ADVOCACY THROUGHOUT THE YEARS

Egyptian father obtain his lawful permanent resident status through his wife. Three years later, the LA team helped file his removal of conditions on his resident status. Finally, in 2021, his attorneys at CAIR-LA assisted him in navigating the final stage of the affirmative immigration process: applying for citizenship. He passed his naturalization interview and became a U.S. citizen in 2021. His success is the result of his patience and perseverance – and CAIR-LA's persistent advocacy throughout the years. The opportunity to traverse his immigration journey alongside him from start to finish makes his case one that CAIR-CA will not forget.



Although our legal teams focus on affirmative benefits, we have been steadily growing our capacity to represent immigrants in removal defense cases – situations that often involve individuals who entered the United States without legal permission or overstayed after their authorization date expired. In such cases, immigrants are placed in deportation proceedings, where the government, via the legal department of DHS, seek to have such individuals deported from the United States.

Asylum cases are unique within the immigration legal field, in that an immigrant who seeks to request asylum must do so within a year of having entered the United States. This one-year filing deadline is not always known to the potential asylee, and when missed, bans the ability to seek asylum entirely, except for very limited exceptions. Such was the case of one Bay Area client, who had fled India with his wife and two children. He had made his case for asylum directly to the Immigration Court, but his claim was denied for missing the one-year deadline. As DHS attorneys prepared to have him deported, he turned to CAIR-SFBA. Our legal team identified that he qualified to receive a U-visa, which allows individuals who have been victims of crimes while residing in the U.S. to

AS DHS ATTORNEYS PREPARED TO HAVE HIM DEPORTED, HE TURNED TO CAIR-SFBA



seek legal permission to remain. However, a key element of a U-visa application is a certification letter from a law enforcement agency verifying the crime, as well as the victim's willingness to aid in any investigation into the matter. CAIR-SFBA attorneys helped the client secure this certification letter from the City of Vallejo Police Department and submitted the U-visa petition on behalf of the client and his wife. The application is still pending with USCIS, but a positive decision from them would end the deportation proceedings in Immigration Court.

In January of 2021, eleven Iranian asylum seekers arrived in the U.S. They were arrested and detained by U.S. Immigration and Customs Enforcement (ICE) officers after they crossed the border. CAIR-SFBA got involved soon after they were detained and worked with immigration attorneys throughout our network to ensure that all eleven individuals would have pro bono attorneys



to defend them in their deportation proceedings. CAIR-SFBA also represented two of the individuals — a young woman and her husband. CAIR-SFBA was able to submit a legal brief to the immigration court, requesting that she be released from detention on bond.^d Our attorneys secured not just a low bond amount, but also convinced the court not to mandate a GPS monitoring ankle bracelet — both of which are difficult victories to obtain in detained deportation proceedings.

CAIR-LA also represented a father, who had immigrated from Pakistan over 20 years ago. When he and his wife initially arrived in the U.S., they applied for asylum, but were denied. Instead, the Immigration Judge granted another form of relief that allowed the family to remain in the U.S. but without other benefits. With firm determination, he and his wife worked hard to create a life for themselves and support their children, who were later born in the U.S. Their children completed college and started their own careers. In 2021, their eldest son turned 21, and the family came to CAIR-LA for help adjusting the status of father and mother. CAIR-LA attorneys were able to adjust the mother's status smoothly but had to

AFTER 20 YEARS, CAIR-LA'S CLIENT WAS ABLE TO BECOME A LAWFUL PERMANENT RESIDENT

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appeal before the Immigration Judge in order to adjust the status of the father. At court, DHS attempted to claim that the client was not eligible because he would become a public charge. Our attorneys were able to overcome this challenge by providing a wealth of evidence demonstrating that his son was able to sponsor him financially. At the end of the hearing, the Immigration Judge granted the client's adjustment of status. After over 20 years, CAIR-LA's client was able to become a Lawful Permanent Resident and travel to visit family and friends he had not seen for decades.

^d Bonds are the payment that must be secured for the release of a detained immigrant from federal authorities.



enerally, it is the task of our immigration attorneys to defend community members from legal proceedings against them in the Immigration Court. However, occasionally, our team has the opportunity to turn the tables. *A Writ of Mandamus*^e is an order from a legal court to a government official ordering them to fulfill their official duties. In essence, when a government agency, such as USCIS, fails to act in a timely manner to fulfill their duties (i.e., processing immigration applications), one can turn to the courts for relief and ask that the law obligate action.

This is a course of action that the immigration legal team has utilized many times, and 2021 was no exception. In our continued representation of Arab, Middle Eastern, Muslim, and South Asian (AMEMSA) community members, extensive delays when applying for immigration benefits are disappointingly common. In applications for naturalization, USCIS officers are required to decide these cases within four months of conducting a citizenship interview, yet large numbers of AMEMSA community members wait years just to secure that interview. This is due largely to the Controlled Application Review and Resolution Program (CARRP), which is supposedly meant to ensure that immigration benefits are not granted to individuals who pose a threat to national security.

However, this program has only served to institutionalize Islamophobia within the immigration legal system. In one

THIS PROGRAM HAS ONLY SERVED TO INSTITUTIONALIZE ISLAMOPHOBIA WITHIN THE IMMIGRATION LEGAL SYSTEM



such case, the CAIR-SFBA office represented an elder Iranian community member who had applied for lawful permanent resident status more than two years before he approached CAIR in 2021. He had exhausted all the remedies available to him, including contacting USCIS and submitting inquiries about the status of his application. Our immigration attorneys informed USCIS that they would be submitting a mandamus action in federal court, intending to pursue a legal case against USCIS to compel them to act in adjudicating our client's case. After this, the client was finally scheduled for an interview – an interview that USCIS canceled just hours before the scheduled time. As the attorney had informed USCIS, CAIR-SFBA proceeded to file the lawsuit. Once the case was filed, USCIS scheduled the client for an interview. Three weeks later, he received his approval notice and Legal Permanent Resident (LPR) card in the mail.

^e The Legal Information Institute at Cornell defines mandamus as: an order from a court to an inferior government official ordering the government official to properly fulfill their official duties or correct an abuse of discretion.



After the success of this mandamus case, our legal team continued advocating for community members who had been left in limbo for years. Another client with strikingly similar facts had an application pending for two years. She too was from Iran and was widowed with two adult children who lived in the United States. In 2015, the client's daughter submitted an I-130 Petition for Alien Relative,^f after she obtained her own U.S. citizenship status. Our client was an immediate family member of the petitioner and should have experienced some of the shortest waiting times in processing her application. Instead, she remained in Iran, waiting indefinitely, while her son and daughter resided in the U.S. The client's visa was eventually rejected due to the then President Trump's Muslim Ban. While the family shouldered this disappointment, the unimaginable happened: her son was diagnosed with cancer and passed away. She was able to secure humanitarian parole to enter the U.S. in order to attend her son's funeral.

After her arrival, CAIR-SFBA was able to prepare an I-485 Adjustment of Status application to secure permanent status in the U.S. On top of the time the client had spent waiting for the approval of the I-130, she was left waiting another two years for the I-485 to be decided. The decision was delayed well beyond normal processing times, and the client's attempts to get answers through service requests and congressional inquiries did not result in any changes. It was not until CAIR-SFBA immigration

OUR CLIENT WAS AN IMMEDIATE FAMILY MEMBER OF THE PETITIONER AND SHOULD HAVE EXPERIENCED SOME OF THE SHORTEST WAITING TIMES - INSTEAD, SHE REMAINED IN IRAN, WAITING INDEFINITELY

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attorneys informed USCIS of our intention to file a lawsuit in federal court that action was finally taken. Less than 30 days after CAIR-SFBA contacted USCIS, the client received a notice for an interview. Our attorneys accompanied her to the interview, and her case was approved. Within a week, she had received her green card in the mail.

It is a particularly fulfilling experience to have these petitions approved so quickly after clients have been left waiting for a decision for so long. Though the delays are disappointing, it is heartening to know that patience and persistence in the pursuit of justice may ultimately lead to outstanding victories.

^f An I-130 is an application through which a U.S. citizen or LPR can petition for their family members abroad to legally join them in the U.S.

CIVIL RIGHTS INTAKES

RECEIVED IN 2021



30

TRAVEL



110

EMPLOYMENT
DISCRIMINATION



86

FBI & LAW
ENFORCEMENT



14

COVID-19 RELATED
ASSISTANCE



54

HATE INCIDENTS
& HATE CRIMES



313

OTHER CIVIL
RIGHTS
CONCERNS



45

SCHOOLS
AND HIGHER
EDUCATION



CIVIL RIGHTS

CAIR-CA's Civil Rights departments provides legal advocacy in various legal areas and in various formats throughout the state. From advocating for reasonable accommodations for employees to representing victims of Islamophobic hate, CAIR-CA works to combat Islamophobia in all of its manifestations.



SCHOOL BULLYING

Even in the remote world of online classes during COVID-19, American Muslim students were still targeted and bullied because of their religious identity or ethnicity.¹³ The rate of bullying has also increased as students return to in-person learning. Alarming, school staff, teachers, and administrators remain a source of Islamophobia within school settings. In 2021, CAIR offices throughout the state were contacted about various issues that students faced at school including bullying from peers, educators, and problems in seeking religious accommodation.

CAIR-SV/CC was contacted by the family of a middle school student who had been sent home from summer school after he came to class with a box cutter in his backpack. The school left him with the impression he would be expelled, but the administrators did not understand that his actions were an ill-guided response to a threat; a threat that his bully and over 10 other boys planned to beat him up after school that day. Our client had been relentlessly and visibly bullied by these boys throughout the summer school program. Despite the public nature of the bullying, nobody had intervened. The

SCHOOL STAFF, TEACHERS, AND ADMINISTRATORS REMAIN A SOURCE OF ISLAMOPHOBIA WITHIN SCHOOL SETTINGS

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client was left feeling alone and scared and his reaction – while not justifiable – was understandable.

CAIR-SV/CC attorneys were able to contact the head of Student Services in advance of a disciplinary meeting for the student and his parents. The attorneys explained the history of bullying that the client had faced, the obviousness of the behavior and the lack of intervention from school staff. Thanks to CAIR-SV/CC’s advocacy, the tone of the meeting shifted: it was no longer a meeting where a disappointed administrator would discipline a desperate victim, but instead, an opportunity for the client to share his experiences, feel supported, and acknowledge his own mistakes. The school official validated our client,



offered to transfer them to a better school within the district, and provided their personal contact information so that the student would have someone they could trust to intervene if the bullying continued in the new setting.

Not all school administrators are so willing to acknowledge the shortcomings of their school environment. CAIR-LA was contacted by the father of a third-grade student who was being emotionally and physically bullied by her classmates. One student told her that if her own mother wore hijab, she would kill herself. The school and its employees knew of at least seven separate incidents of this young girl being targeted but failed to address the bullying. Their inaction allowed for a hostile environment to form, and the bullying continued for at least three months.

CAIR-LA filed a complaint against the school and district on the student's behalf, but the response was initially unfavorable. CAIR-LA then appealed the report to the California Department of Education (CDE), and the complaints were found to be valid. Specifically, the CDE held that our client's daughter was in fact being bullied because of her religion and ethnicity, and the school had not done enough to prevent the bullying. To remedy the school's failures, the CDE ordered the school to update their anti-bullying policies and procedures,

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VISIBLY BULLIED BY THESE
BOYS THROUGHOUT THE
SUMMER - DESPITE THE
PUBLIC NATURE OF THE
BULLYING, NOBODY HAD
INTERVENED** ”

host a training on students' rights to be free from discrimination, harassment, and bullying for all school staff and students, and provide the young girl with counseling.

In these ways, not only is our legal team able to secure victories for our clients, but also seek victories for our communities. The underlying hope in all the cases we take is that the successes we have now creates a reality where these challenges are less likely to occur.



AIR-CA represents community members who have faced Islamophobic discrimination in every area of their lives, whether at work, school, or in their local communities. CAIR-LA represented a community member who was newly hired and had requested religious accommodations to attend Jumma^g prayers. His employer had denied his request without engaging in the legally required good-faith interactive process to come to a working solution. CAIR-LA attorneys reached out to the client's supervisor directly, attempting to reach an amicable resolution, but the supervisor was unresponsive to the attorney. Meanwhile, the client was receiving weekly reprimands from their supervisor. Concerned that these reprimands would reflect on the client's work reviews, the attorney sent an advocacy letter and demand to the employer's local and corporate offices, requesting the proper accommodation process be honored and the client's request granted. With CAIR-LA's support, the client was able to engage in an interactive negotiation that resulted in a reasonable accommodation, allowing the client to attend Jumma prayers.

CAIR-SV/CC was contacted by a Pakistani-American community member who had recently moved into a 55+ residential community in Manteca with his wife. In line with community guidelines, he hosted a housewarming gathering with his family in the resident's community center. Throughout the family gathering, several residents – one of whom was their next-door neighbor – kept interrupting and making rude and ominous comments that the family was breaking community rules. One of these neighbors even profanely told our client's great niece

and her young children that they “did not belong.” Her child asked their mother if they were even allowed to visit their grand uncle.

Another niece in attendance was an attorney. She wrote a letter of complaint to the community's Homeowners Association (HOA) detailing what happened. The HOA responded, but it was very clear that they were biased – one of the board members of the HOA was the same neighbor who had been harassing the family.

CAIR-SV/CC stepped in to continue the work that the client's niece had started. Our attorneys collected affidavits^h from guests and demanded the implementation of a commonsense anti-discrimination policy. Although this information was provided to the HOA attorney, the report that was produced failed to acknowledge their statements at all; instead, the neighbors who had harassed our client were quoted, and their feelings credited, while our client's frustrations were ignored.

CAIR-SV/CC submitted a complaint to the California Department of Fair Employment and Housing (DFEH), citing not merely the actions of the neighbors who had interrupted this family gathering, but also the HOA's handling of the investigation and record of similar behavior and incidents to other residents of color. As the DFEH investigated the materials submitted, our client was validated: the HOA fired all its board members, including the neighbor who instigated the harassment – and the attorney who initially represented the HOA is similarly no longer handling the case.

^g Jumma refers to the congregational prayer on Fridays during the dhuhr (midday) prayer time, and it is obligatory for adult men to attend.
^h Affidavits are statements that are sworn to be true under law and should be treated as legal testimony.



The effects of Islamophobia that the tragic events of 9/11 exacerbated are felt throughout our community to this day. One clear manifestation of modern-day Islamophobia is the ways in which the AMEMSA community in the United States has been subjected to unlawful scrutiny and law enforcement surveillance. The stereotyping and Islamophobia that underlines the Federal government’s surveillance of the Muslim community, trickles down and affects American Muslims in every aspect of their lives, including when they travel, when they pray, and when they return home.

CAIR-LA represented an Egyptian-American doctor, who is a U.S. Citizen and an American Muslim. Yet when he traveled to Saudi Arabia to complete Umrah,ⁱ he was denied boarding on his flights to and from his destination – despite booking with an international airline well in advance. When he flew out of Los Angeles International Airport, the airline he had booked his tickets with refused to let him board. The international airline did not provide the client with any substantial justification as to why he could not board his flight other than it having an international destination.

**THE SUPERVISOR
WENT ON TO SAY,
“YOU HAVE BEEN TO
SAUDI TOO MANY TIMES
AND YOUR MIDDLE
NAME IS TOO LONG”**

Determined to complete his Umrah pilgrimage, the client boarded another flight – but in attempting to return to the U.S. on his originally booked flight, he was again denied boarding. On his return, the airline provided more explanation, though their reasoning left him even more confused. He was told that the United States did not want him to board the flight. When the client asked to speak with a supervisor, he was told that DHS did not want him back in the United States. Our client requested the supervisor’s business card but was flat out denied. The supervisor went on to say, “you have been to Saudi too many times and your middle name is too long.” With no further explanations, and the airline’s refusal to accommodate the doctor, our client was forced to book

ⁱ Umrah is a minor pilgrimage to Mecca, as opposed to the mandatory pilgrimage Hajj.

with another airline. Other than the expense of this last-minute purchase, he faced no issues booking the ticket or returning to the United States.

CAIR-LA worked promptly to advocate for their client, communicating directly with the airline. Through their work, they secured a formal written apology from the airline to their client and a guarantee that he would not have security issues should he choose to fly with them again. CAIR-LA's team also secured a monetary settlement and confirmed cultural sensitivity trainings for the airline's employees to ensure this would not happen to others in the future.

The Islamophobic ways that the Federal government surveils the AMEMSA community is evident in the uniquely targeted Federal Bureau of Investigation's (FBI) Operation Flex. Operation Flex was an effort from the FBI's Joint Terrorism Task Forces (JTTF) in Orange County where a hired spy faked a public conversion to Islam at the Islamic Center of Irvine (ICOI) and proceeded to collect information on hundreds of innocent American Muslims for over a year.

It is important to place Operation Flex into the larger context of the FBI's unlawful surveillance and spying of the Muslim American community since 9/11. The FBI has focused much of its purported "counter-terrorism" efforts on broad and unlawful investigations of the Muslim community. These investigations have taken different forms including detentions, interrogations, broad efforts to "count mosques and Muslims,"¹⁴ and surveillance of Muslim communities. These unlawful actions have severely and deeply harmed the Muslim American community.

During Operation Flex, hundreds of phone numbers, hours of video and audio recordings, and thousands of other communications were secretly captured and provided to the FBI. Yet, none of the information collected resulted in criminal convictions.¹⁵ Rather than abandon a fruitless endeavor, the FBI instructed their agent to ask community members pointedly about engaging in vigilante justice and armed conflict, in the hopes of entrapping community members. Instead, the ICOI community reached out to Hussam Ayloush, CAIR-CA's Chief Executive Officer, who alerted the FBI of their concerns.

CAIR-LA'S TEAM ALSO SECURED A MONETARY SETTLEMENT AND CONFIRMED CULTURAL SENSITIVITY TRAININGS TO ENSURE THIS WOULD NOT HAPPEN TO OTHERS IN THE FUTURE



When the truth eventually came to light, CAIR-LA, along with others,^j filed a lawsuit against the FBI in 2011.

The case was initially dismissed but later appealed. In November of 2021, the case was heard before the Supreme Court of the United States (SCOTUS). The Muslim American plaintiffs asked the Supreme Court to allow them to have their day in court to seek justice and to hold the FBI accountable for their Constitutional violations and rampant discrimination. On March 4 of 2022, SCOTUS ruled that the plaintiffs would be able to continue to pursue their claims against the FBI. This ruling allows for several paths to victory, and CAIR-CA looks forward to pursuing them.

^j The American Civil Liberties Union (ACLU) and the law firm of Hadsell Stormer Renick & Dai LLP.

Beyond the overreach of federal law enforcement agencies, American Muslims face additional harmful Islamophobia from their own neighbors and local police. Before the summer had even reached its peak in Southern California, CAIR-LA was contacted by a local Imam,^k after he was attacked as he drove into his apartment complex. His assailant – another resident – approached the Imam’s car and began shouting racist, xenophobic remarks. This attacker screamed, calling the Imam a “terrorist,” a “dirty Arab,” and telling him to go back to his country. Not content with verbal abuse, this individual then kicked the Imam’s car, opened his door, and hit him.

As a victim of assault, pursuing justice through the criminal justice system was not in the hands of the Imam, but in local law enforcement, who is charged with investigating and escalating crimes. CAIR-LA advocated for their client on two fronts, first advocating directly with the investigating detective, to ensure that the matter was properly referred to the city attorney so that the perpetrator faced criminal charges. Second, CAIR-LA attorneys also communicated directly with the Imam’s apartment complex, demanding that evidence be preserved, and the assailant be evicted. Due to their continued advocacy, CAIR-LA was successful in ensuring the safety of the Imam and his family in the apartments they call home. The apartment management agreed to evict the offending tenant, and he was criminally charged. He pled guilty to committing battery, was sentenced to probation, and fined.

In contrast, CAIR-SFBA represented a client who was mistreated because the criminal justice system failed to acknowledge her religious identity. CAIR-SFBA pursued a civil rights complaint on behalf of a Muslim woman who

DUE TO THEIR CONTINUED ADVOCACY, CAIR-LA WAS SUCCESSFUL IN ENSURING THE SAFETY OF THE IMAM AND HIS FAMILY

wore hijab.^l She had been arrested by the Santa Clara County Sheriff’s department and when she was booked into the county jail, her hijab was removed for the booking photograph and never returned to her. Instead, she was told that the County did not have a policy that allowed individuals to keep their religious headwear on during bookings or incarceration. Even when she was transferred to another facility, the client was not provided with a religious head covering.

While she worked with other attorneys to have her criminal charges dropped, she was incredibly passionate about addressing the wrong committed against her in refusing to allow her to cover her hair. CAIR-SFBA’s attorney sent a demand letter to the County on her behalf, pushing for the implementation of a policy change. In the fall of 2021, these efforts proved successful. Santa Clara County implemented a Religious Programs Policy that recognizes and respects the religious identities of the accused and incarcerated alike.

Throughout this past year, CAIR-CA has continued to leverage the skills of our legal team across the state to empower our community, protect civil and immigrant rights, and resist the ever-present spread of Islamophobia. These pivotal events of 2021 will not be forgotten – nor should we forget that navigating the legal system requires, above all else, hope.

^k An Islamic religious leader.

^l “Hijab” is the Arabic term for “barrier,” and is used to describe the hair coverings and headwear worn by some Muslim women.



It is our hope that as the current administration settles in, and with this current election year, our community and allies support the following recommendations.

ACCELERATED IMMIGRATION PATHWAYS FOR AFGHANS

1 We are heartened to see that the current administration is taking steps to expedite processing of Afghan evacuees in Qatar,¹⁶ but we remain grounded in the reality that this progress comes months after the withdrawal of the U.S. military from Afghanistan which left the country, and its people, vulnerable. While the current administration is attempting to address Afghans parolees who have managed to evacuate Afghanistan, countless others were left behind. There is a gap in pending humanitarian parole applications, which cannot be completed without an interview at a U.S. consulate or embassy¹⁷ – neither of which exists in Afghanistan anymore. What once was a decision that was received within 90 days of receipt,¹⁸ is now a process that can take nearly 8 months to a year.¹⁹

Every step of the immigration process for Afghans who fear persecution in their home country should be accelerated. We recommend greater governmental resources be prioritized to address the backlog and delay of advance parole applications. Moreover, a unique pathway specifically targeted to address the Afghan crisis should be approved, one in which the interview with the State Department is not required abroad.

Additionally, we support the Afghan Adjustment Act. This legislation allows for a streamline process for Afghans to directly apply for permanent residency. Many Afghans that were evacuated to the U.S. have parolee status which is a temporary status that does not lead to permanent resident status. The current situation requires the Afghan parolee to assess their eligibility for various affirmative immigration applications such as family-based petition, SIV, or asylum. This proposed legislation would tremendously help the Afghan community and allow for the legal community to assist a larger number of Afghans parolees and community members.

FINANCIALLY INFORMED BOND SYSTEM FOR IMMIGRANT DETAINEES

2 During the Trump Administration, the cost of immigration bonds steadily increased, some as high as \$1.25 million.²⁰ While there is no maximum immigration bond amount, federal immigration law sets a minimum of \$1,500.²¹ Despite this starting point, the average bond for detained immigrants is more than twice that, at \$4,250.²² In deciding bond amounts, Immigration Court judges weigh two key factors: an individual's flight risk and whether they are a danger to the public.²³

CAIR-CA recommends that an additional factor be considered: the financial means of the detained immigrant and their sponsor. There is little guidance in determining bond amounts beyond the set minimum of \$1,500 within the immigration context. The New Jersey Criminal Justice Reform Act provides a blueprint for a bond system that balances the factors immigration judges already weigh and provides distinct levels of required monitoring. These levels can range from remaining detained, being released with an ankle monitor, to being released without any additional restrictions. Such a model could similarly be implemented within the immigration context, where bond amounts are standard, depending on what level of monitoring an Immigration Judge determines is warranted for the detainee.

CULTURAL COMPETENCY AND BYSTANDER INTERVENTION TRAINING FOR SCHOOLS

3

As CAIR-CA's 2021 School Bullying report identified, the harassment of American Muslim students and AMEMSA students is exacerbated by teachers and other school staff.²⁴

Schools should conduct a thorough assessment of their school's environment as it pertains to Islamophobia and anti-Muslim bullying and implement anti-bullying policies and trainings accordingly. Moreover, educators need to be cognizant of their own biases, to ensure that they themselves are not actively marginalizing Muslim students. Similarly, educators should be trained on bystander-intervention strategies, to provide them the skills so that their inaction does not allow a toxic school environment to flourish for American Muslim and AMEMSA students. Unchecked bullying breeds more bullying.

While there was a decrease in bullying as a result of decreased in-person instruction, California schools are moving steadily toward in-person schooling again as the pandemic eases. It is CAIR-CA's recommendation that schools take this opportunity to be proactive and intentional as students and staff are brought back to campus, in order to implement culturally sensitive anti-bullying policies and provide educators strategies to be self-aware of their own bias and how to intervene when an American Muslim or AMEMSA student is the target of harassment.

COMPLETE DISSOLUTION OF CARRP

4

While the USCIS CARRP program has been in place for nearly 15 years, the utter lack of transparency of the program leaves most immigration advocates and immigrants themselves at a loss to understand the full impact of CARRP.²⁵ In reality, CARRP is institutionalized Islamophobia. The program subjects' immigrants and non-citizens from Arab, Middle Eastern, Muslim, and South Asian communities to greater levels of scrutiny when applying for U.S. citizenship, LPR status, or asylum.²⁶ This heightened scrutiny is meant to be resolved within 180 days but can last for years. This long delay is one way to know if you are subjected to CARRP scrutiny. Another way to find out is if an FBI agent visits your home.²⁷

CAIR-CA calls for the dissolution of the CARRP program. The program subjects AMEMSA applicants to greater scrutiny based on long-outdated stereotypes. In February of 2022, following a class action suit challenging the legality of CARRP, a court order has kept USCIS from denying applications based on CARRP, but this order will soon expire.²⁸ This temporary reprieve is not enough. CAIR-CA echoes the plaintiff's challenge and calls for the dissolution of CARRP entirely. As we await the decision of *Wagafe v. Biden*, we urge USCIS and DHS to provide notice to applicants who remain subject to additional CARRP screening. This key piece of information allows immigrants and their advocates to hold USCIS accountable to their 180-day limit on additional delays due to CARRP.

STATEWIDE RELIGIOUS HEADWEAR POLICY IN CORRECTIONAL FACILITIES

5

While federal law protects the rights of incarcerated individuals to practice their religious beliefs, including donning religious headwear or attire, these rights are not unalienable. Prison officials can argue that their refusal to accommodate a religious practice furthers an important governmental interest.²⁹ Where a correctional facility does not have a policy in place to address prisoners' religious attire and headwear, each individual must fight for their ability to practice those dimensions of their faith.

CAIR-CA recommends that correctional facilities throughout the state follow the leadership of the Santa Clara Sheriff Department, and proactively implement policies regarding religious dress. This will provide important clarity for inmates³⁰ and employees³¹ alike. California is one of the largest sources of prisoner complaints of free exercise grievances.³² This may be due to the fact that the state lacks a policy to guide state prisons in this matter.³³ Rather than having piecemeal accommodations facility by facility, introducing a policy that is implemented statewide would allow for consistency throughout different facilities and counties.

CLOSING

2021 was a year that tested our patience. It introduced the first year of the Biden presidential administration, the second year of the global pandemic, and the third year of record-breaking wildfires. It will be remembered for the insurrection at the Capitol on January 6, for the verdicts in the case of George Floyd's murder announced on June 25, and for the first detected case of the omicron variant in California on December 2. It will be remembered for these international headlines, but we hope that after having read this report, 2021 will also be remembered for the Afghan evacuees who found asylum in the United States; for the doctor who was denied boarding but still completed his Umrah pilgrimage; for the couple who are now able to invite their family to visit them without cause for concern. At CAIR-CA, our memories of 2021 will be of these successes that followed our patience.

Espera y Esperanza. To wait and to hope.

The legal work that our California offices undertake for our clients is done with hopeful hearts, a hope that is shared throughout our community. We are inspired by the words of the Quran, "O you who have believed, seek help through patience and prayer. Indeed, Allah is with the patient." It is patience – and perseverance, and persistence – throughout our community, our partners, and our organization that motivated CAIR-CA throughout 2021 to tirelessly pursue our mission of enhancing the understanding of Islam, protecting civil rights, promoting justice, and empowering American Muslims. We waited, we hoped, and we worked hard. Our 2021 Legal Report is full of our client's experiences that have inspired hope amongst CAIR-CA, and that we share with you to inspire the same.

PARTNERS

CAIR California would like to thank the following individuals and organizations, whose partnership in the past year has been instrumental to the success of our civil rights and immigrants' rights work and who continue to contribute to work toward achieving inclusive justice, equity, and religious harmony for all Americans.

ACCESS California Services	MPower Change
American-Arab Anti-Discrimination Committee (ADC)	Muslim American Society (MAS)
American Civil Liberties Union (ACLU)	Muslim Anti-Racism Collaborative (MARC)
American Muslim Voice (AMV)	National Association for the Advancement of Colored People (NAACP)
Arab Resource and Organizing Center (AROC)	National Immigration Law Center (NILC)
Asian Americans Advancing Justice-Asian Law Caucus (AAAJ-ALC)	National Lawyers Guild (NLG)
Asian Americans Advancing Justice-Los Angeles (AAAJ-LA)	North American Islamic Shelter for the Abused (NISA)
California Council of Churches/California Church IMPACT	Northern California Islamic Council
California Rural Legal Assistance Foundation	OCA Sacramento
Carpenter & Mayfield	Palestine Legal
Catholic Legal Immigration Network, Inc. (CLINIC)	Pangea Legal Services
Center for Constitutional Rights (CCR)	Pars Equality Center (PARS)
Center for Workers' Rights (CWR)	Public Law Center
Coalition for Humane Immigrant Rights Los Angeles (CHIRLA)	Sacramento Area Congregations Together (SAC ACT)
Council of Asian Pacific Islanders Together for Advocacy & Leadership (CAPITAL)	Sacramento Immigration Coalition
Human Rights First	Sacramento FUEL Network (Family Unity, Education, and Legal Network)
Islamic Shura Council of Southern California (ISCOSC)	Services, Immigrant Rights & Education Network (SIREN)
Jakara Movement	Sikh American Legal Defense and Education Fund (SALDEF)
Japanese American Citizens League (JACL)	South Asian Bar Association (SABA)
Jewish Voice for Peace (JVP)	Walkup, Melodia, Kelly & Schoenberger LLP
League of United Latin American Citizens (LULAC)	World Relief Southern California
Legal Aid Foundation of Los Angeles (LAFLA)	Yemeni Alliance Committee
Legal Aid at Work	

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OUR MISSION

To enhance understanding of Islam, protect civil liberties,
promote justice, and empower American Muslims.

OUR VISION

To be a leading advocate for justice and mutual understanding.

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