

# 8.1 THE PETER CICCHINO YOUTH PROJECT & THE REALITY OF STREET-INVOLVED YOUTH & YOUTH EXPERIENCING HOMELESSNESS IN NYC

Lee Strock & Joey Lee

## Introduction

The Peter Cicchino Youth Project (PCYP) at the Urban Justice Center provides legal services, policy advocacy, and case management services aimed at interrupting the cycles of poverty and criminalization that prevent LGBTQ+ street-involved youth and youth experiencing homelessness from living fulfilling lives free from discrimination, abuse and oppression.

While accurate data on street-involved youth and youth experiencing homelessness are difficult to obtain, the best estimates project between 3,000 and 20,000 youth experience homelessness in New York City (NYC) on any given night (Ray, 2006). According to a 2012 national report surveying youth homelessness service providers, about 40% of youth experiencing homelessness and seeking services are LGBTQ+ (Durso & Gates, 2012). Most of our clients also experience oppression because of the intersections of race, class, disability, educational status and immigration status. Roughly 95–98% of our clients are youth of colour. As a result of harmful ‘broken windows’ policing, which targets youth of colour and criminalizes homelessness and poverty, many youth experiencing homelessness are also caught up in the criminal justice system.

The need for legal advocacy for this community is tremendous. Marginalized young people experiencing homelessness, police violence and bureaucratic nightmares when dealing with welfare agencies, foster care agencies or immigration authorities do not have the time or resources to adequately fight these systems. There is a need to ensure that police, systems of confinement, the court systems and their staff are held accountable for their treatment of vulnerable young people. Transgender youth whose identity documents do not match their preferred names or gender presentations are essentially required to out themselves, making them vulnerable in every situation where identification is required. They often have difficulty accessing schools, employment and shelters because of transphobia. On the streets, they are targets of police or community violence. LGBTQ+ youth who are undocumented often face the prospect of deportation to countries where they have never felt at home, or where being queer, transgender or gender-expansive may subject them

to abuse and torture. Undocumented immigrants who are able to remain in the country are ineligible for legal work, public assistance or financial aid for school. PCYP provides legal solutions for these complex and overwhelming issues. Our goal is to advocate for our clients in spaces where their voices are not being heard or respected, and to help our clients develop the knowledge and skills necessary to be powerful self-advocates.

Below is an overview of PCYP's approach to providing holistic, client-centred legal and case management services, and supporting broader systemic policy advocacy on behalf of NYC's LGBTQ+ youth experiencing homelessness. Supported by selected case profiles, this overview also illustrates how PCYP is a vital part of the network of service providers striving to ensure that all youth are afforded the opportunity to transition safely into adulthood.

The core of our program is the delivery of critical *direct representation* legal services to young people living in crisis to ensure their access to the basics in life. As described below, these services include support for clients requiring:

- Access to accurate and affirming identity documents;
- Assistance to navigate the criminal justice system;
- Access to and preservation of legal immigration status;
- Access and maintenance of social security insurance, public assistance, food stamps and medical assistance; and
- Holistic overall case management services.

In conjunction with and informed by our direct service work, PCYP also continues to engage in long-term *systemic advocacy* work, including strategic coalition-building, to reform the systems and institutions in which our clients struggle to survive. Current advocacy projects include:

- Advocacy to improve services and increase resources for our youth navigating and escaping homelessness;
- Advocacy to enhance the capacity of trans or gender-expansive youth to obtain accurate government-issued identification;
- Advocacy to address the effects of criminalization and the criminal justice system on youth poverty and homelessness; and
- Advocacy to improve NYC's foster care system, which has long failed LGBTQ+ adolescents.

## 1. PCYP's Direct Representation Services

In order to support NYC's LGBTQ+ youth experiencing homelessness, PCYP addresses the most common legal issues standing in their way: accessing accurate and affirming identity documents (through legal name changes and document replacement); obtaining and maintaining legal immigration status (through asylum, Special Immigrant Juvenile Status, visas for survivors of trafficking and victims of crime, and other forms of relief); navigating the criminal justice system (by representing clients in criminal court cases ranging from violations to low-level felonies, obtaining clients' criminal histories, helping resolve warrants, advocating for alternatives to incarceration, advocating for improved conditions of confinement and partnering with public defenders); and maintaining sources of income support and medical assistance (such as Social Security benefits, public assistance, food stamps and Medicaid). By working with clients to remove these barriers, we can greatly increase their access to social, income, and health supports, and improve their chances of avoiding criminal justice involvement. Our goal is to increase opportunities for youth to participate in the community and live fulfilling and enriching lives, by ensuring their basic needs are met.

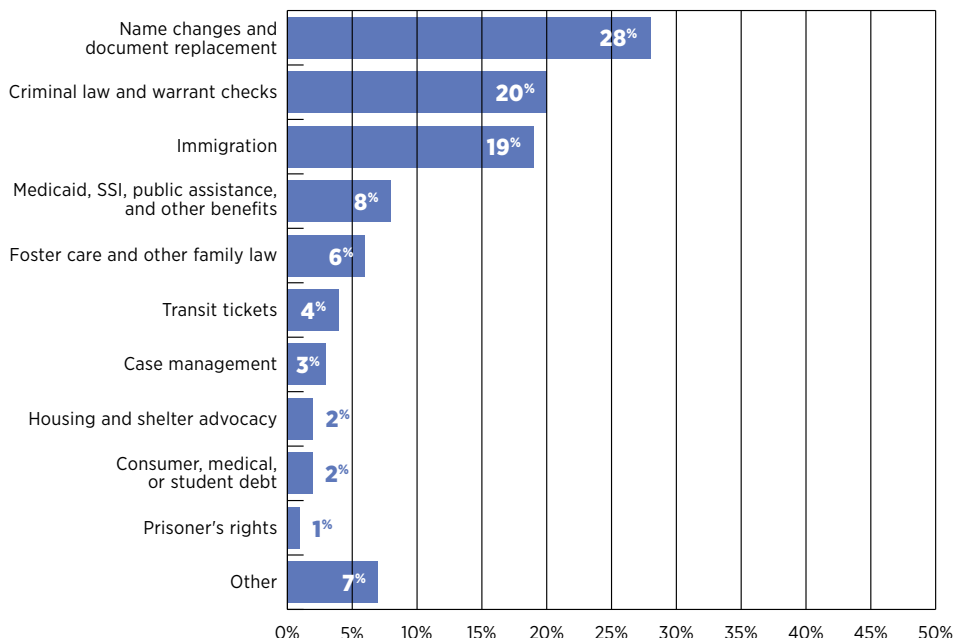
This year, PCYP continued our long-running legal clinics at NYC community-based organizations that provide direct services and support to youth experiencing homelessness, such as the Ali Forney Center, Streetwork Project's Harlem drop-in center, Streetwork Project's Lower East Side drop-in center, and the Hetrick-Martin Institute. With the launch of our Criminal Justice Initiative, our new criminal defense attorney started a twice-monthly legal clinic at Covenant House New York—NYC's largest shelter for youth experiencing homelessness. On the weeks when he is not operating the legal clinic, our defense attorney offers Know Your Rights trainings at Covenant House.

PCYP continued its relationships with other attorneys, community-based organizations and youth-serving agencies, which extended our capacity to reach youth experiencing homelessness. This year, PCYP built on strong referral and collaborative relationships with NYC's youth-serving organizations to ensure our collective efforts are as effective and comprehensive as possible.

Between January 1 and December 31, 2016, with four staff attorneys and one case manager/interpreter, we opened 532 new cases (a 23% increase from 2015) and our total ongoing caseload was 709 cases (a 25% increase from 2015). PCYP staff assisted clients with a wide variety of legal issues.

Of the cases we worked on during the grant term, the primary issues we encountered were as follows:

FIGURE 1: PRIMARY ISSUES ENCOUNTERED



### *Access to Accurate and Affirming Identity Documents*

A large proportion of PCYP’s clients come to us with the goal to obtain government-issued identification (ID), or to obtain ID that reflects their preferred name, and with a gender marker that affirms their gender identity and presentation. Without ID (or with inaccurate ID that makes clients vulnerable to profiling, violence and discrimination), youth experiencing homelessness find it difficult or even impossible to access medical care, enroll in school, apply for a job, maintain public assistance, secure stable housing, or safely navigate encounters with police. PCYP seeks to remove these barriers by obtaining legal name changes and assisting clients to acquire accurate and gender-affirming identity documents. Most of the clients PCYP assists with name changes identify as transgender and want their name to reflect their gender identity. For many others, however, they have experienced violence or rejection from their families and want to claim a new name and fresh start for themselves, leaving behind and moving away from past traumas. In the final months of 2016, PCYP experienced a surge in the number of transgender youth experiencing homelessness who wanted name changes and to update their passports and social security cards to reflect their new name and corrected gender marker. There is concern among transgender people that the

new United States (U.S.) administration will make it difficult or impossible to update gender markers on these types of ID, so we have worked hard to push through an increased number of name changes to avoid the possible risk of being unable to meet this need in the future.

***Case Illustration:***

*Maliya<sup>1</sup>, a young trans woman from Jamaica, came to PCYP through one of our legal clinics at a drop-in centre for youth experiencing homelessness. Maliya was brought to the drop-in centre and directed to our legal clinic by a friend who had worked with PCYP in the past. Undocumented and afraid, Maliya exhibited a lot of strength as she slowly unfolded her story. At age 15, she was living in Jamaica with her mom and grandparents when her grandmother saw her playing with makeup. Maliya was told by all the adults in her household that she was a boy and boys do not play with makeup. Maliya hid her passion for makeup for the next two years, but at school she was still seen as different. Harassment and bullying became an everyday occurrence during Maliya's last year at school. When bullying became violent, Maliya was forced to drop out. While Maliya's mom did not understand her child's 'lifestyle,' she was deeply concerned for her safety and survival. Maliya's mom gave her the money to travel to the U.S. Maliya met a 'friend' on Facebook who said she could stay with him. When Maliya was asked to trade sex for housing, she did not know what to do. She felt stuck and afraid because the man threatened her with deportation. She ended up leaving and sleeping on the subway, where she met other youth experiencing homelessness who helped her navigate the streets. Once Maliya made contact with PCYP, our attorneys were able to help her with a name change, and our case manager helped her update her identity documents with the accurate name and gender marker. This affirmation of her gender identity was incredibly uplifting for Maliya and aided her application for asylum. The asylum application process forced Maliya to relive a lot of trauma, but with the trust established with PCYP staff through the name change process and the support of her friends, Maliya fully participated in her asylum application. She now holds a green card and a part-time job that allows her time to study for her GED. PCYP cannot wait to help her apply for American citizenship when the time comes!*

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<sup>1</sup> Pseudonyms used throughout to protect client confidentiality.

### *Navigating the Criminal Justice System*

The criminal justice system can be a source of great fear, frustration, violence and confusion for youth experiencing homelessness, many of whom are targeted by the NYC police department daily due to survival-based quality of life infractions, or racial, gender and class-based profiling. To interrupt the direct and collateral consequences of entering the criminal justice system, we provide advice, facilitated referrals, court accompaniment and expert letters of support to assist in the favourable resolution of our clients' criminal cases. For immigrant clients, we also ensure that each client's public defender understands the immigration consequences of each charge and the importance of advocating for alternatives to incarceration for our clients, who are highly vulnerable to abuse and harassment in jail, based on their age, sexual orientation or gender identity. For clients who are incarcerated in city and state facilities, we provide direct advocacy to improve their conditions of confinement, and monitor their safety and access to appropriate medical care through legal visits and letter-writing.

Even though we have cultivated great relationships with many of the public defense agencies in NYC, PCYP found that many of our clients still had trouble staying engaged with their defense attorneys and making it to court dates and appointments that would be necessary to resolve their cases in the most advantageous manner. Public defense agencies rely largely on government-funding contracts requiring high caseloads, so even the most dedicated public defenders must represent upwards of 80 to 100 clients at a time. For our clients, who may have more difficulty staying in touch or remembering court dates, this structural challenge can lead to their falling through the cracks. In addition to the large caseloads public defenders must carry, they are not appointed as counsel until the first court appearance. For our clients, the best outcome is often obtained when an attorney can intervene before arrest or at least before police interrogation. Recognizing this unmet need, PCYP sought the support of a generous donor to hire a full-time criminal defense attorney, as noted above. In the brief time he's been with PCYP, our criminal defense attorney has had a huge impact.

PCYP clients who think the police are looking for them or have a warrant out for them can now access an attorney before arrest. This can be invaluable, as it empowers the client to make critical decisions about their safety and their property, which are all too often taken away at the moment of arrest. Because of our strong relationships with agencies that serve youth experiencing homelessness, PCYP's attorney is in a better position than most public defenders to make a compelling case that our clients should be released while their case is

pending, rather than having bail set. Most of our clients cannot afford even a very low bail, so having bail set means our clients spend the duration of their case in jail. Our defense attorney, however, can get letters of support and prove community connections to show the client is not a flight risk.

Aides to the U.S. president who took office in January 2017 have issued new guidelines to expand efforts to deport immigrants who have even low-level criminal convictions, creating a climate of fear and chaos among immigrant communities. Since youth experiencing homelessness are targeted with low-level charges for things like accessing public transportation without paying the fare, it will be even more important going forward for our criminal defense attorney to secure dismissals and keep immigrant youth from having their immigration status imperilled.

***Case Illustration:***

*PCYP's criminal defense attorney met Shawna at a drop-in legal clinic. Shawna was told the police were looking for her because of an alleged fight with a neighbour. PCYP's attorney answered Shawna's questions and listened as Shawna explained her concerns about being arrested. The attorney called the police precinct and was told Shawna was wanted for questioning and there was probable cause to arrest her. At that point, the attorney faxed a letter to police invoking the client's right to remain silent, and asking to be present for any identification procedure, such as a line-up. The attorney also arranged a time when Shawna had no other obligations to go to the precinct and turn herself in. Unlike most arrests, which are entirely out of a client's control, this pre-arranged surrender gave Shawna some agency and reassurance in the process. Shawna was able to make arrangements for where her property would be, who would be at the place where she was staying if and when she was released, and who could pay for bail if it was set. The attorney also reached out to Shawna's caseworker at the drop-in centre to write a letter of support for her, which would strengthen his argument for her to remain free pending the disposition of the case. People like Shawna, who are accused of crimes when they are young and experiencing homelessness, are often seen as unlikely to come back to court, and therefore have a stronger chance of having bail set. By having forged the relationships with the agencies serving youth, PCYP was able to show that Shawna is in fact very well connected to services and community, and should therefore be released.*

*On the day of the surrender, Shawna met her attorney and they took the subway together to the precinct for the surrender. He then met her at the courthouse to make his argument that Shawna should be released, rather than having bail set. PCYP's argument was a success. Shawna was released after spending less than an hour in central booking. Most people accused of crimes, waiting for assigned counsel to be appointed, would spend a night in jail waiting to meet their attorney for the first time. Shawna was in touch with her attorney throughout the day, and he was able to explain what was happening during the pre-arraignment. After she was released, he met regularly with Shawna to discuss her case, how to assess her options, and to explain the potential civil consequences of any plea deal. He was able to negotiate a plea that will not affect Shawna's ability to apply for jobs or housing, and which allowed her to avoid jail time.*

### ***Access to and Preservation of Legal Immigration Status***

Many of the youth experiencing homelessness we see at PCYP are either undocumented immigrants or their immigration status is in jeopardy because of their disproportionate contact with the criminal justice system. Over the past few years, PCYP greatly increased our immigration resources, training and staff competency to build a comprehensive immigration support program for youth experiencing homelessness. PCYP works to identify the best forms of immigration relief for our clients, provides full immigration representation, helps immigrant youth navigate the criminal justice system to avoid adverse immigration consequences, and supports our immigrant clients through case management and referrals to appropriate mental health and social service supports. In the last six weeks of 2016, after the U.S. presidential election, there was a spike in the number of immigrant youth who wanted help obtaining immigration status before the new administration had the chance to detrimentally change the laws that give survivors of trauma a route to permanent residency and citizenship.

### ***Case Illustration:***

*In July 2016, after over two years of difficult work, PCYP's client Camila was granted asylum! Camila, a transgender woman, grew up in a Central American town where she was the victim of childhood sexual abuse and domestic violence. After a very traumatic childhood, she was trafficked into sex work by a gang, and witnessed other trans women who were her friends being murdered. Camila was also the target of vicious police violence. Fearing for her own life, Camila fled to the U.S. She was picked up near the Texas border by U.S. immigration*



*authorities and placed into deportation proceedings, where she claimed asylum as a defence against being sent back to her birth country. Immigration set bail for her release. She was able to rally friends to pay her bail and buy her a bus ticket to NYC. That's when Camila first met with PCYP. Over the next several months, with the support of her PCYP attorney and social worker, Camila was able to tell her story so we could help her file supplemental materials and evidence for her asylum claim. After her attorney gathered compelling evidence and related Camila's story to the applicable asylum law, PCYP filed an asylum application and Camila waited for her hearing to be scheduled. Before the hearing, PCYP's attorney negotiated with the opposing immigration attorney to narrow down to exactly what Camila would need to testify. Camila was an excellent self-advocate at her asylum hearing and was granted asylum on the spot. After this momentous victory, Camila is working with her attorney to apply for the benefits and supports for which she now qualifies as an asylee.*

***Accessing and Maintaining Social Security Benefits,  
Public Assistance, Food Stamps and Medical Assistance***

Although public assistance, supplemental security income (SSI), Medicaid and food stamps can be much-needed sources of income support, the NYC welfare system and SSI are structured so that it is virtually impossible for youth experiencing homelessness to access and maintain benefits. From the moment a young person tries to obtain benefits, they are faced with hostile staff, burdensome documentary requirements and appointments that can be more work than a full-time job. For youth who attempt to access benefits, PCYP works to overcome bureaucratic denials and discontinuances of benefits by providing advice and counsel, and representation in administrative hearings.

***Case Illustration:***

*Social Security Administration (SSA) funding is being cut by the federal government (a trend we expect to continue under the administration that assumed office in January 2017). PCYP's clients who receive SSI because of medical disabilities are being forced to absorb the impact of these cuts by being charged with overpayments by SSA to recover money that they usually did not receive and therefore do not owe: often, young people who are no longer living with their parents do not even know they were receiving SSI benefits for mental health or physical limitations. PCYP's SSI expert met with Tammy, a young trans woman with developmental delays from childhood lead*

*poisoning. While Tammy's mother does not accept her gender identity, Tammy occasionally visits her mom in Pennsylvania. Tammy was at her mother's house one day when her mom was not there. She found mail with her old name on it, and opened it. She contacted PCYP to tell us that she has an SSA hearing coming up to cut off her benefits and try to claw back money that was supposedly overpaid to her. PCYP was able to have the hearing adjourned to have time to gather records and build Tammy's case. We worked with her to get medical records from her former medical providers to show that she was and is qualified for benefits. It took four months of advocacy, but Tammy's attorney won the hearing and got her benefits reinstated without Tammy having to pay a dime.*

### ***Case Management***

PCYP's effectiveness relies in large part on the availability of consistent case management services accessed by clients at our clinic sites. Through our work, we recognize that youth who have access to comprehensive case management services are often more stable and better able to participate in their legal case, which leads to more successful outcomes. While many clients come to us through drop-in centres that offer social services, approximately one-third of PCYP clients were unable or unwilling to access those services. For this reason, and to improve the legal outcomes for our clients, PCYP provides on-site case management services to support clients throughout their time working with us.

PCYP's case manager has three primary areas of responsibility, helping our clients with: access to services; navigating the criminal justice system; and access to trauma-related services. She helps our clients access basic human rights, such as health and mental health services, and education and foster care, so their social and health needs are met sufficiently to allow them to participate in their legal case. She partners with our clients to navigate the criminal justice system by accompanying clients to court, visiting them in jail, and encouraging them to resolve open warrants which reduces the legal barriers clients face in obtaining immigration status and legal name changes. Our case manager also interviews clients regarding sensitive, trauma-related experiences to assist in drafting legal affidavits, and trains PCYP staff and interns on providing supportive legal services to survivors of trauma.

PCYP's case manager has allowed us to expand our reach to street-involved youth and youth experiencing homelessness who are otherwise not connected to youth services. She assists clients at all stages of their legal case. Before cases begin, she helps clients remove

the barriers to fully participating in their case. During their case, she supports the client, particularly those clients who need help dealing with trauma. Finally, after the legal case is concluded, the case manager follows up with the client to ensure that any legal victory has a meaningful impact on the client's life.

## **2. PCYP's Systemic Advocacy Work**

### *Homelessness Initiative*

In 2016, as in too many years past, the community of service providers working with LGBTQ+ youth experiencing homelessness has had to struggle to maintain city and state resources for this population, resources that are already paltry in comparison to the level of need. With approximately 4,000 youth experiencing homelessness on any given night, there are only about 750<sup>2</sup> youth-specific shelter beds in NYC (City of New York, 2016). PCYP has continued to be a staunch advocate for LGBTQ+ youth experiencing homelessness. Our expertise as legal advocates committed to providing legal and other institutional support for LGBTQ+ youth experiencing homelessness has allowed us to lend an important voice to the community of homeless youth service providers that advocate for improved services and increased resources for our youth. We support our partners at youth shelters in their efforts to secure more funding for beds and, at the same time, advocate with the Department of Homeless Services to make the adult shelter system safer and more accessible to youth experiencing homelessness. As the de Blasio administration folded the Department of Homeless Services into the Human Resources Administration (which administers NYC's welfare programs), PCYP staff, as experts in youth homelessness, were invited to participate in meetings with Human Resources Administration Commissioner Steven Banks and other stakeholders to make sure the needs of our clients were considered during the agency merger.

Through our Homelessness Initiative, PCYP continues to fight for the rights of LGBTQ+ youth in NYC to have access to needed shelter and public benefits programs. To continue our contribution to relevant shelter-based advocacy, we maintain strong relationships with the Coalition for the Homeless, the Legal Aid Society's Homelessness Rights' Project, the Ali Forney Center, and Safe Horizon's Streetwork Project.

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<sup>2</sup>This is more than a 100% increase in the number of youth shelter beds available before the de Blasio mayoral administration began, but the growth in beds is not close to catching up with the need.

### ***Access to Government-Issued Identification***

Navigating or escaping homelessness is often contingent on having accurate government-issued ID. Young people are frequently required to show government-issued identity documents to access government buildings, shelters, benefits and other services, or to identify themselves when stopped by the police. And yet maintaining government-issued ID can be nearly impossible for LGBTQ+ young people experiencing homelessness.

PCYP continued our work with a coalition of community organizations, the mayor's office, and city council to guide the implementation of NYC's new municipal ID program, IDNYC. When the program was being developed, we worked with the Sylvia Rivera Law Project and New York Legal Assistance Group's (NYLAG) LGBT Project to ensure that IDNYC would be accessible for transgender and gender-expansive New Yorkers, by pushing the city to allow applicants for the ID to self-attest to their gender, rather than forcing them to provide invasive and sometimes-inaccessible medical documentation of gender transition. This year, our efforts were focused on expanding access to municipal ID and increasing its acceptance among private and public entities. We worked with experts at the New Economy Project to push large financial institutions to reverse their current policies around not accepting IDNYC to allow individuals to open accounts. This work is ongoing, but PCYP had productive meetings with fellow advocacy groups and a large financial institution early in 2016.

### ***Criminal Justice Initiative***

Because the vicious cycles of poverty, homelessness and criminalization affect almost every client we see, and because the criminal justice system is so present in the lives of our clients, advocacy in this area has been a critical part of our work for the past few years. As noted above, PCYP was able to greatly expand our Criminal Justice Initiative this year by hiring a criminal defense attorney. In addition to directly representing clients who have contact with the police and criminal courts, PCYP's defense attorney and project director have begun meeting with partner agencies (including our clinic partners and Covenant House) and elected officials in NYC to make them aware of his work and to bring feedback to them about the experiences of our client population. In the years ahead, we will be able to bring our clients' perspectives to the table in discussing criminal justice reform and addressing the rampant violence perpetrated by the New York Police Department.

In addition to this work, PCYP also continued to advocate for safer conditions for those clients who are incarcerated in jails, prisons or detention centers. Two of our attorneys worked with a coalition of other LGBTQ+ groups to improve the safety of trans and gender-expansive people held in city jails. Another attorney contributed to an amicus brief challenging the conditions under which immigrant minors are held by the Office of Refugee Resettlement.

### ***Foster Care Initiative***

NYC's foster care system has long failed LGBTQ+ adolescents. The Administration for Children's Services (ACS) has consistently resisted accepting older adolescents into care, warehouses LGBTQ+ young people in group homes, fails to ensure a safe and supportive environment for LGBTQ+ young people living in these homes and discharges youth into homelessness. It is often quite difficult to find supportive permanent placements for LGBTQ+ youth in foster care, diminishing their chances of achieving permanency. In 2016, 33% of PCYP clients had been involved in the foster care system. We continued to advocate with ACS to allow our older adolescent clients to access care. In one particularly difficult case, PCYP attorneys worked with allies in the NYC Council to get ACS to take a 17-year-old into care after her family kicked her out because of her sexual orientation and gender expression. We have facilitated access to care and protective services for youth who did not have family members available to care for them, or who felt unsafe in their living situations. We have also worked to ensure that undocumented LGBTQ+ youth in care have access to any immigration relief for which they are eligible. PCYP has become the go-to agency representing youth in care seeking immigration relief through Special Immigrant Juvenile Status.

### ***Conclusion***

Youth experiencing homelessness are forced to interact with legal systems and government bureaucracies to move forward in their lives and achieve stability. Over the past two decades, PCYP has developed a model to help these young people overcome barriers and successfully navigate legal systems. We do so by meeting young people (both literally and figuratively) where they are, ensuring they are able to define their own goals and vision of success, and staying with them—sometimes for years—when mainstream legal aid agencies are unable to do so because they are struggling to address large caseloads and limited capacity.

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## About the Authors

### *Lee Strock*

Director, Peter Cicchino Youth Project at the Urban Justice Center  
lstrock@urbanjustice.org

Lee Strock joined PCYP in 2012 as Director. He is responsible for managing PCYP's programming, fundraising, and communications. Before joining PCYP, Lee was an associate at Kramer, Levin, Naftalis, and Frankel LLP. Lee received his J.D. from Harvard Law School in 2009 and his B.A. from Cornell University in 2006.

### *Joey Lee*

Asia Program Director, Leitner Center for International Law and Justice at Fordham Law School;  
Advisory Board Co-Chair, Peter Cicchino Youth Project at the Urban Justice Center  
jlee240@law.fordham.edu

As Asia Program Director at the Leitner Center for International Law and Justice, Joey leads advocacy and capacity-building efforts to support strengthening of human rights protections for marginalized communities in Asia, with a focus on China and Myanmar.