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12-2021

Sin Yen Ling

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Oral History Project

Interviewee: Sin Yen Ling

Interviewers/Students: Brigitte Sigala, Amelie Aguilar, Victoria Buscaglia

Interview Transcription

Victoria: We wanted to start off by just asking you to tell us a little bit about yourself and your background.

Sin Yen: Sure! So, my name is Sin Yen Lin, my job title is Immigration Project Director at a nonprofit organization called Volunteers of Legal Service. I have been an immigration attorney for 22 years. Born and raised in New York, I am actually born in Chinatown and raised in Queens. I grew up as a daughter of immigrant parents. My parents arrived in the early 70s from China, so I grew up speaking Chinese as well as English. Specifically, I speak both Cantonese and Mandarin. So that's a little bit about me, who I am, and what I'm doing.

Victoria: That's really interesting. Do you think that your personal experience formed the activist work you do today?

Sin Yen: Absolutely, 110%! I went to law school probably way before any of you were born, 1996. I went to CUNY Law School with this idea that I wanted to pursue environmental justice and you all might be familiar with CUNY Law School at Queens. It's a public interest law school, so most who go graduate do public service and non-profit work. Shortly after I arrived, in my first year of law school, I was approached by a board member of the Asian American Legal Defense and Education Fund. The board member just happened to be a 3rd year law student at CUNY, and he said, "hey I'm a board member of AALDEF. AALDEF services Asian American and Asian immigrants in New York City. We're looking for a Cantonese interpreter because one of our law students is involved in garment factory workers suing their former bosses for wage and hourly claims." And at that time, understand that I was 21 years old, straight out of college, and didn't know anything. When I went over to the Chinese Factory Workers Association to translate for the AALDEF lawyer, it came to me that many of these women factory workers were my mom. My mom came to the United States, settled in [Chinatown?], worked in a garment factory on East Broadway. And so, when I was translating for these women, all undocumented, all middle aged, all who were kind of not given their earned wages because of worker exploitation. They were all my mother. And so, for me it was a moment where I realized I wanted to serve my community because it was all personal.

Victoria: Okay and did you know you wanted to go to law school since high school or were there other factors that led you to wanting to go into this field?

Sin Yen: That's a really great question. I guess in high school and again I don't know what your process is but in high school I had two kinds of thoughts.

Victoria: Okay.

Sin Yen: One was “I’m interested in fashion design” and the other was “law seems really interesting.”

Victoria: I have the same mentality.

Sin Yen: Yeah, and I don’t know why I picked the two of them. I still don’t know why. I sat down and tried, you know, to draw a picture of a fashion design and I was like, “Oh I suck at this! I’m terrible. I have no skill set. So, I guess it’s the law.” And so that’s how I defaulted into law. But I think, you know, just to be reflective, it probably had a lot more to do with my upbringing background. I’m the first to graduate high school, the first to graduate college, and then the first to actually go to law school and graduate at a master’s level. So, I had a feeling that growing up in an immigrant family where we were working class, education and you know, being somewhat successful as a lawyer was really important.

Victoria: So, you’re first generation, that’s really impressive.

Sin Yen: Thanks to my mom and dad!

Victoria: So, we read when we were reading a little bit about you of your work with the National Immigration Project and we wanted to ask you what was that about, and what made you want to get involved in this kind of project?

Sin Yen: Sure. So, the National Immigration Project is a national nonprofit organization and what they do is they provide support and resources to immigration lawyers who are litigating by providing legal services on the ground. As a legal service provider, my job is to assist undocumented immigrants and help them get a green card, help them to secure a legal status, prevent them from deportation. If they are being detained by ICE [Immigration and Customs Enforcement], my job is to get them out on bail. Right? So, NIP, the National Immigration Project, is sort of a resource think tank. For those of us who are on the ground.

Victoria: That’s a really great job. I find it really sad how ICE sometimes goes to undocumented people’s houses and they just--you can live here your whole life--and they just take you away. So, I think your work is really really important. So, we wanted to ask you what components of the immigration process in the United States right now do you find most troubling?

Sin Yen: That is a loaded question!

Victoria: It is! Yeah, it is!

Sin Yen: I’m not quite sure I can fit an answer in an hour let alone within five minutes.

Victoria: It’s ok!

Sin Yen: But I will try to maybe say this, which is: an immigration system that is born out of racism and xenophobia--inherently its entire apparatus is meant to keep and exclude people of color. The birth of the immigration system came about through the passage of the Chinese

Exclusion Act. Legislation that was intended to keep Chinese laborers out at that time. Some entering the United States worked on the railroad. So, they were actually building the infrastructure of this country many centuries ago. If you look at, you know, the birth of the immigration system, the apparatus is intended to keep, eliminate, and marginalized immigrants and specifically people of color. So, you fast forward that to today, 2021, with the aftermath of four years of Donald Trump, one of the most racist and xenophobic presidents whose main target--this is a man who went around and said Mexicans are all rapists and terrorists, who took down and tried to eliminate the DACA program, which provided a short interim status for young people who came in before their eighteenth birthday, graduated high school, and for the most part, lived here their entire lives--and so, we're coming out of those four years and even though we are under an administration that is somewhat more progressive... than the previous administration, I would say that the entire process and the way in which we treat immigrants in the United States--all of it is problematic.

Victoria: I feel like it's never ending. It really really is.

Sin Yen: Yes. Unfortunately, that's very true and Biden has been a mixed bag. I think when he first came into office in January, he tried to reverse some of Trump's policies and I think in his attempt to do so, for example, he created a moratorium where no one was to be deported for a period of ninety days. It was an unprecedented rule. No other president in our history has ever done anything like that. It meant for three months; no human beings were going to be deported from this country. Unfortunately, conservatives, republicans, filed a lawsuit and that policy was rescinded. I think right now, we're in a struggle at this moment where there is immigration reform legislation that is being composed to allow eleven million people who are here undocumented to be given a path to citizenship and a path to a green card. In the entire year, it's been a challenge unfortunately. Biden proposed something that was pretty general and wide in the very beginning to the Citizenship Act of 2021 and proposed that anyone who's here, from before January 1st, 2021, could get a green card. That went down to almost nothing by the time a month rolled around, and we still don't have a path to a green card for eleven million people. Really, if anything, nothing has changed under this administration, so it's been very frustrating for immigrant communities.

Victoria: I wish I could say "Oh, it's going to get better, but it just seems never ending and it's something we all wish, you know, to get better. I wanted to ask; I feel like this is the most interesting question because I'm a psychology major, so I'm really interested in this: How are your encounters with your clients emotionally? Is it hard to separate yourself when you're dealing with your clients? Do you have any difficult experiences that you've gone through with your clients throughout the immigration process? I'm really interested in hearing about that.

Sin Yen: That's a really hard question because the community I serve are all low income or struggling socio economically, have no legal status and by the time they arrive at my door, they come with trauma from just simply being shat on by society. And I think it's hard for our immigrant communities to not arrive at my door with some struggle. But I think at the same time if anything it's my clients and the people I serve who are probably the most courageous and the most strong willed. Even during COVID when we all shut down in March--you recall, going to school and going remote, right?--a lot of my younger clients who were DACA recipients, they

were the first ones to lose their job. They were the first ones to be on the front lines as medical workers dealing with Covid. They were the first ones to get Covid and see family members die, get sick, or get hospitalized. I remember talking to clients on the phone and I could hear them coughing. Even through the hardest part of last year, the folks I served were resilient, never complained, and they were always grateful for opportunities even when the system doesn't give them the options that they need and want. I think if anything, our clients are most American because of the struggle that they have gone through.

Victoria: I agree completely.

Sin Yen: Not for nothing but if an American citizen were to go through half the things that they do, I don't think we would make it.

Victoria: No, I don't think so either!

Sin Yen: I think we would probably cry and crawl into a hole somewhere and not be able to deal with it.

Victoria: Yeah, definitely.

Sin Yen: Immigrant communities are different. They have forged a path in fire and are still able to come out of it more optimistic and more hopeful than me for sure.

Victoria: Yeah, they have a whole other vision and expectation. It's really admiring.

Sin Yen: I will be honest in that it has been tough doing this work for twenty-two years.

Victoria: Twenty-two years! Wow! That's amazing!

Sin Yen: I will say that I've probably inherited trauma from them, and I think in these past twenty months, it has been even more difficult, and it's been difficult for everyone, I'm sure, for everyone in this virtual room. It's challenging work but I also think it's necessary.

Victoria: Definitely. And is there any specific thing you do to support your clients emotionally? Do you have a process that you've kind of developed throughout these years to help them?

Sin Yen: Yeah, I would say that this job doesn't really give me the wide latitude to do it but when I was working as an attorney at the Asian Law Caucus in San Francisco, we created the first undocumented youth group called ASPIRE. The purpose of ASPIRE was to mobilize undocumented youth to fight for their own rights. In that space, it meant kind of supporting young people not to be just clients, not to be just limited to victims of the system but to empower them so that they can fight for change. That's how DACA, the Deferred Action for Childhood Arrivals program came about. It didn't come about through the kindness of Barack Obama. It came about because young people took to the streets. They rallied, they fought, they did sit-ins and that's why DACA happened. Right? Because the community raised hell for it. And so,

through ASPIRE, I think it was intended to be a support mechanism so they can be more than just undocumented immigrants.

Victoria: And do you think there's something, for example, our generation or younger generations, can do to help with this immigration process?

Sin Yen: Yeah! Can I ask how old are you guys?

Victoria: we're eighteen.

Sin Yen: Eighteen! Good heavens! Okay!

laughter

Sin Yen: Would you consider yourself Gen Z?

Victoria: Yeah, definitely!

Sin Yen: I think the future is young people and specifically Gen Z. I think we are at a period of decline in this country where we are going the wrong direction and I largely blame that on baby boomers and the decisions they have made. If anything, once they have passed on, it'll be up to the younger millennials and Generation Z who are going to take this country in a different direction.

Victoria: I agree, yeah.

Sin Yen: That it won't be too late, and I don't know that it will be too late. I'm not sure but there is a role that all you young people play. I think making sure that our culture and our systems evolve for the better.

Victoria: I feel like our generation has a very different mindset to the other generations and that's why I think we can have more initiative and ideas for the future. So hopefully it's not too late and our generation can eventually lead to something better for everything like immigration or global warming. We also heard you launched the Parilla Practice at the Queens Defender's Office, right? Can you tell us a little bit about that?

Sin Yen: Sure. In 2000--I want to say 10 or 11, the Supreme Court issued a decision called Padilla v. Kentucky. The Supreme Court decision basically mandated that all criminal defense and public defense attorneys must provide legal advice to immigrants who are in the criminal justice system and explain to them the consequences of either taking a plane, going to trial or making certain decisions that could affect them for the rest of their lives. And so, in New York you can remember that time. Although probably at that time you were like ten, so maybe you don't remember! Bloomberg was the mayor and he had mandated that all the public defender offices both in the Bronx, Queens, Brooklyn, Manhattan, hire in-house immigration lawyers to advise their public defenders and work with clients so that they don't make the wrong decisions that would screw themselves for the rest of their lives. And so that's how I moved back from the

Bay Area to launch the first immigration practice of the Queens defender office. And so, in Queens, the defender office alone handled roughly at that time about twenty-five thousand indigent clients going through the criminal justice system. Those arrested by the NYPD, charged with a variety of crimes, and because of the demographics of Queens, you know, 50% of those who were apprehended were immigrants. If they took a plea, if it's a plea of guilty for marijuana--at the time it was illegal--they would have faced devastating consequences from getting deported to not ever getting a green card and so my job was to make sure that never happened.

Victoria: And you're still working on that today? I'm sorry, do you live in New York? I don't remember.

Sin Yen: Yeah. I'm no longer at the defender's office. I left in 2018.

Victoria: Oh, okay.

Sin Yen: And so now I'm at a different non-profit that isn't specific to the criminal justice system, which serves all immigrants that come in different shapes and sizes.

Victoria: So, you said you've been working in this work field for 22 years, right?

Sin Yen: Yes.

Victoria: So, we were curious to know if you could talk about how 9/11 impacted the immigration process--if it did. We thought that was a really important thing to ask and we wanted to know a bit more about that.

Sin Yen: Yeah! Were you guys even born yet?

Victoria: No, we weren't born yet.

Sin Yen: Okay, what is your knowledge of 9/11? I'm curious.

Victoria: I only know like the basic facts, but I see the videos and it's really devastating, obviously. But I don't really know how it impacted different parts of society. I just don't know how it impacted New York and the people living in the city and everything. So, I'm curious to know how it actually affected the immigration process.

Sin Yen: Yeah. I'm sure many, probably, remember this but you know there's a saying which is: "Where were you on 9/11?" For many years we all asked each other that. We all remember where we were when we first found out. At that time, I was a very young lawyer. I think I was twenty-six at the Asian American Legal Defense Fund in New York City. It was Primary Day, so people were going to the polls to vote. And AALDEF was conducting exit poll surveys all morning, so the entire staff was at polling sites at seven in the morning when the first flight hit. But I would say by evening, our office was inundated with calls about attacks facing people who were perceived to be South Asian, Arab, and Muslim. So that was sort of the beginning of post September 11. And really what happened was our country in response to 9/11 decided to come

up with policies, laws and practices that criminalized immigrants in response to the nineteen hijackers.

Victoria: Okay.

Sin Yen: So, we decided to respond with racist and xenophobic laws that targeted Muslim communities with the intentions of investigating Muslims from New York City. And so, for a while there were many different practices and policies that I was involved in in representing Muslims who were apprehended by the FBI, targeted by the Immigration Customs Enforcement (ICE), put through deportation proceedings. There's been so many different policies. I'll name one of them. One of them was called the Special Registration Program. Have you heard of it?

Victoria: No, I've never heard of it.

Sin Yen: I think the Special Registration Program is probably a great way to kind of describe how immigrants were impacted. So, Special Registration required Muslims nationals from mostly Muslim's countries to report to 26 Federal Plaza and subject themselves to interrogation.

Victoria: Okay.

Sin Yen: So, you can imagine, let's just sort of make it a little more relevant. Can you imagine if somehow Biden comes up with a program that says every boy over the age of sixteen who are from Mexico or Central America who are here without legal status, must come downtown, Manhattan to 26 Federal Plaza to be subject to an interrogation by ICE?

Victoria: That's chaos.

Sin Yen: And so, what would happen is that thousands and thousands of Muslims went down to 26 Federal Plaza, reported themselves and were subjected to questions like "Where do you pray?" "How often do you pray?" "Did you know any of the hijackers?"--very racist questions. Out of that program, Special Registration--I can't remember the number. I think it was like over 20,000 Muslim men and young boys, went and reported to ICE. The majority of them were deported from the United States. So, after they were interrogated, they were arrested, detained, sent to jail facilities and then kicked out of the United States. And so that's a moment I think that highlights how 9/11 impacted the immigration process. And from that point on, the immigration apparatus was meant to target people of color. And at that moment it was mostly South Asians, Arabs, and Muslims. During the Trump administration's four years, it largely targeted those coming through the border from Mexico, Central America, and really anyone who was perceived to be undocumented. We've gone through periods of history where, in response to a crisis, we blamed it on immigrants. 9/11 was just a moment in history that we did that and unfortunately history has a way of repeating itself.

Victoria: It really does. Yeah, like the United States is a xenophobia country, obviously, but I feel like after 9/11 it became even more. It's just horrible. It really is. So, do you foresee any other projects in the future that you may want to create or be a part of or think should be created?

Sin Yen: That's a good question. I think on a personal level given the fact that I identify as an Asian American who have been targeted with anti-Asian violence in the past months, again, talk about our response to crisis. You know the current crisis is COVID, and people who look like me are targets. I foresee my next step is probably, most likely going back and serving my community again. I left the Asian American community back in 2012, when I went to the Defender's office. I think that after this past year, I'm probably going to go back and do API work again.

Victoria: Okay, that's cool! We wanted to know what you think people should know about immigrants or others that are new or arriving in the United States? What is a common thing that people should know?

Sin Yen: Oh boy!

laughter

Sin Yen: That's really hard. I think despite what our perceptions of what our country is, anyone that was born here or has status here identifies as Americans. I certainly have a colored perception of the country that I'm born in. To this day, I'm still truly shocked—I wouldn't say shocked--surprised at how even new folks who have arrived-- You know in my line of work, we began to see new arrivals cross the border over the summer to present time. Many of them had arrived in New York City to reunite with families and even to this day, I'm surprised at how hopeful immigrant communities are about America. They still perceive this as the land of dreams, a land of opportunity, and I guess you know, I'm in a place of privilege where I don't necessarily view the United States as such, right? But I also did not grow up in a country that's a dictatorship and so I think one thing that I have to say is that immigrants that come to the United States contribute and are probably the most hopeful and optimistic in thinking about the direction of the United States. We punish immigrants and yet, they still look forward hopefully--that would be the only thing that continues to surprise me.

Victoria: Yes, like we said it's really xenophobic and I wish I could say that it's going to change but I don't see it either. I actually had to write an essay about that because I'm from Puerto Rico, and I had to write an essay about how the United States portrays itself as the land of the welcoming, but it really isn't. That kind of moves into my next question, which is: what are a few things that Americans can do to make the process of coming to a new country better for immigrants?

Sin Yen: There are many things that we can do. All we have to do is simply to be politically engaged in the political process. Right now, we went through elections during COVID for city council and the mayor's office. We're seeing more progressive voices at the city and local level, right? Along the lines of Alexandria Ocasio Cortez? We have elected a large number of women of color to the city council seats. Many of them come from immigrant backgrounds just like me and some of us in this virtual room. There is legislation on the table that for the first time in New York is providing an opportunity for immigrants to vote in elections so that they can be politically engaged. I think that if we as voting members of New York City, if we go to vote our

ballots--that's something that would help our communities. Because we did live in New York during four years of Trump, New York as well as California had many measures that made up for federal government policies. Right before COVID happened, we stored and reinstated driver's licenses to immigrants that we had taken that away after 9/11. We blamed immigrants for 9/11, which had nothing to do with driving. Right before COVID, New York passed the New York State Dream Act, providing financial assistance to undocumented students for the first time which meant that they paid in-state tuition, and they could actually get scholarships. That's an unprecedented right and so we as Americans with voting power, we need to put the right people in office who are and understand the challenges of immigrants. Pass progressive legislation that benefits these immigrants. We have no excuse, we're in New York!

Victoria: No literally.

Sin Yen: I think it all comes down to young people.

Victoria: I have faith in our generation, for example when our generation, Gen Z, gets to the age where they can vote, it's going to be so significant because it's a matter of mindfulness. What do you want for our future? That's what we vote for. So, the older generations have more, well different mindsets like I said before and they're not as open to new things as my generation is. So, yes, I agree.

Sin Yen: Part of the reason why we are encountering challenges on the congressional level is because we don't have enough progressives in Congress. Every single piece of progressive legislation from the infrastructure bill to immigration reform is being blocked because we don't have the political center. If we had more progressive candidates and women of color, indigenous folks--that would change. You know I'm middle aged and in 20 years I'm retiring, and Medicare doesn't provide vision, hearing, and what was it—dental? At 65, I basically have to fly to Taiwan for what will probably be dental work. As a rich country, we don't even give elderly folks vision, dental, and hearing? I don't understand that. So, you guys are young, you'll be, you know, far from retiring soon. I'm thinking about that right now at my age, the infrastructure of our country is falling apart. Do you all travel in the New York City subway?

Victoria: Yeah!

Sin Yen: Would you say that it's falling apart? I think it is.

Victoria: Yes.

Sin Yen: Now, we need infrastructure. We need better transportation. We need better infrastructure. I can't believe that that has become a political issue in Congress. The only way that will change is if we get more people, like-minded people.

Victoria: Like-minded! That's the word to describe it. Mindful people with different visions, different aspirations that want to bring change. I feel it can be a big change, but we'll see about it.

Sin Yen: You all have to graduate college and run for office. That's what you have to do.
laughter

Victoria: Yeah, that's what we have to do! So, Sin Yen, that is all we have to ask you, but is there anything you would like to add?

Sin Yen: No, I think you were pretty comprehensive in the questions. Thank you for having me.

Victoria: Thank you so much. It was really nice to meet you!

Sin Yen: It was nice to meet everybody!