

Asylum Access Going Global: Reaching Refugees Worldwide



**Asylum Access Annual Report
Fiscal Year 2009-2010**

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REACHING REFUGEES WORLDWIDE

Of the 16 million refugees in the world, less than one percent find refuge in the global north (US, Canada, Europe). The vast majority remain in first countries of refuge – the first places they flee – within Africa, Asia or Latin America. There, they are relegated to internment camps or live in hiding on urban margins. **The average time spent in a refugee camp is 17 years.**

Within first countries of refuge, refugees are almost never allowed to work, access secondary education, or take any steps to rebuild their lives. In theory, refugees should enjoy these rights. The 1951 Refugee Convention and its 1967 protocol, together ratified by 147 countries, give refugees the right to obtain asylum, seek employment, send their children to school, access local social services, and enjoy protection from discrimination in their first countries of refuge.

In practice, however, most countries routinely violate these rights with total impunity. Refugees are unaware of these rights, and typically lack the tools to assert them. (Could you go into a court in a foreign country and argue in a language you don't speak that you should be allowed a work permit, because of a Convention you'd never heard of? Could you do this tomorrow, if you had to flee tonight to avoid being "disappeared" by the authorities? Fifty percent of refugees are children – could you have done this when you were fifteen?)

Despite this disturbing reality, no other international organization directly empowers refugees in Africa, Asia, and Latin America, to assert their rights. Instead, the international community's traditional approach to refugee issues is to provide humanitarian handouts such as food, blankets, and tents. Unfortunately, however, this approach is not used only in addressing immediate emergency situations, but as the primary response to the long-term displacement of refugees.

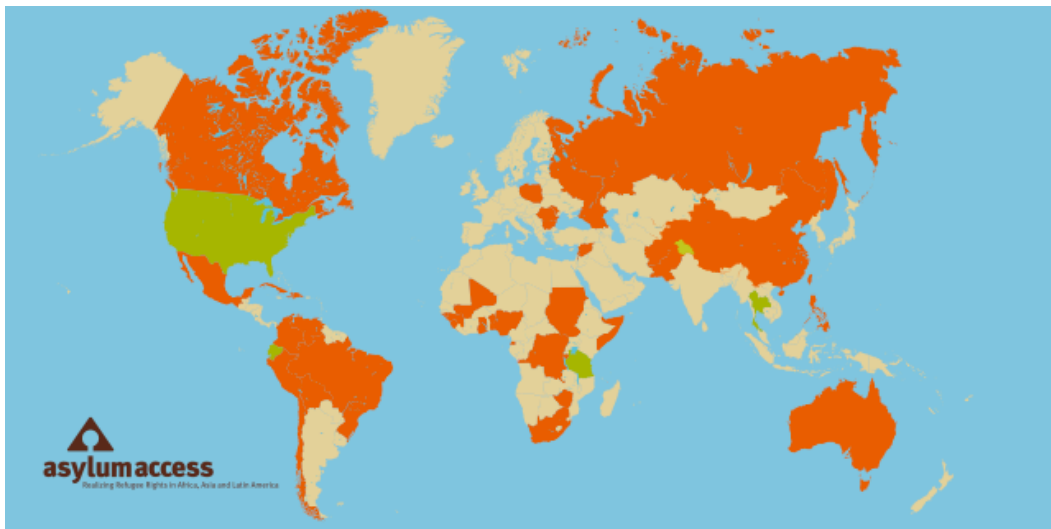
Asylum Access was founded to change this.



ABOUT ASYLUM ACCESS

Asylum Access was founded to make refugee rights a reality. Instead of providing humanitarian aid, Asylum Access gives refugees the tools to assert their rights, so they can provide for themselves and rebuild their lives. Our innovative, sustainable approach puts legal advocates on the ground in Africa, Asia and Latin America to help refugees secure legal status, obtain work permits, enroll in school, access banks, and much more. We also train new advocates from the local and refugee populations to grow and scale our efforts.

Asylum Access has piloted successful refugee rights operations in Ecuador, Thailand and Tanzania, where our work has directly impacted the ability of **over 500,000 refugees** to live safely, work, and send children to school. Our operations use five key tools to make refugee rights a reality: individualized legal counsel and representation, community legal empowerment, policy advocacy, strategic litigation, and movement-building. Together, these form a comprehensive, integrated and sustainable approach that can dramatically transform the lives of refugees within a first country of refuge.



■ Countries where Asylum Access operates:

Ecuador
Tanzania
Thailand
United States

■ Origin of refugees at Asylum Access offices:

Afghanistan	Colombia	Haiti	Pakistan	South Africa
Australia	Cuba	Iran	Peru	Sri Lanka
Benin	Democratic Republic of the Congo	Iraq	Philippines	Sudan
Bolivia	Dominican Republic	Ivory Coast	Poland	Syria
Brazil	Egypt	Mali	Republic of	Venezuela
Bulgaria	Ethiopia	Mexico	Berundi	Vietnam
Burundi	Ghana	Moldovia	Russia	West Bank- Gaza
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Canada	Guinea	Nigeria	Rwanda	
Chile	Guinea Equatorial	Lebanon	Sierra Leone	
China		Liberia	Somalia	



PROGRAM ACTIVITIES AND OUTCOMES

Fiscal year 2009-2010 marked the third full year of operations for Asylum Access. Having cultivated greater continuity across the board in its previous year of operations, Asylum Access reached more refugees than ever before, vindicated a wider range of rights, and opened a **third refugee rights office in Dar es Salaam, Tanzania.**

Asylum Access's Five Tools:



Individualized
Legal Aid



Community Legal
Empowerment



Policy
Advocacy



Strategic
Litigation



Global
Movement-Building

1. Individualized Legal Aid

Asylum Access offices in Ecuador, Tanzania and Thailand have made asylum meaningful for refugee clients by continually ensuring that they can enjoy their fundamental rights. In 2009-2010, Asylum Access provided direct, legal counsel and representation to over 1,200 asylum seekers. Asylum Access offices abroad also began to develop greater capacity to provide legal services that address a wider range of rights violations.



Direct, individualized legal counseling and representation to assist refugees seeking to vindicate their human rights.

Ecuador

In Quito, during its third full year of operations, Asylum Access Ecuador streamlined the office legal aid program and provided direct, individualized legal services to 960 refugees. AAE also developed draft protocols and new procedures for handling detained asylum seekers, victims of sexual and gender based violence, and implementing a referral system for clients going through the naturalization process.



Tanzania

In August 2009, Asylum Access opened its third refugee rights office, in Kigoma Province, Tanzania, and began collaborating with UNHCR to help refugees seek opportunities to resettle out of camps to countries where they could enjoy fundamental rights. Additionally, Asylum Access Tanzania became the first NGO in the country to formally refer asylum seekers to UNHCR for mandate status, and in a very short period of time, went from being a new and relatively unknown refugee legal aid provider in Africa to a well-respected institution within the NGO community and with UNHCR. Notably, UNHCR-Tanzania's Deputy Representative remarked that Asylum Access Tanzania's resettlement submissions were among the best he's seen in his time with UNHCR.

Thailand

FY 2009-2010 was a transitional year for Asylum Access Thailand. The biggest challenge Asylum Access Thailand faced throughout the fiscal year was heightened security problems throughout the country: the 'red shirts' began their protests in Bangkok at the beginning of March 2009. Due to concern of safety and security of staff, AAT staff worked primarily from home in March and April. Despite a challenging year, AAT still succeeded in providing direct, individualized counsel and representation to 253 asylum seekers.

2. Community Legal Empowerment

Community Legal Empowerment includes the provision of Know Your Rights workshops; training of Community Legal Advocates to provide basic legal advice, accompaniment, and referrals; and facilitation of community discussion and/or activism to address trends in human rights violations. Between FY 2009-2010, Asylum Access provided legal education to 916 refugees and is negotiating permission to expand its community legal empowerment programs to Asylum Access Tanzania for FY 2010-2011.



Community legal empowerment to facilitate community discussion or activism to address trends in human rights violations.



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Ecuador

Asylum Access Ecuador provided a total of 20 Know Your Rights workshops to over 600 asylum seekers and refugees.

AAE also held its first “Encuentro de Mujeres” in November. In these workshops for refugee women, Asylum Access Ecuador brings together 40 refugee survivors of sexual and gender-based violence to confront the harms they have suffered and begin a healing process. Encuentro de Mujeres workshops form the basis for a longer-term project seeking truth, justice and reparation for clients of Asylum Access Ecuador who have suffered gender-based violence in the context of the Colombian conflict, many of whom continue to face other forms of gender based violence in Ecuador.

Thailand

Throughout FY 2009-2010, Asylum Access Thailand provided community legal education through the provision of “Know Your Rights” workshops to over 200 refugees in Tamil Sri Lankan, Chinese, Pakistani, and Somali communities throughout the country.

Tanzania

Asylum Access Tanzania collaborated with partner organizations like the National Organization for Legal Assistance (NOLA) and the Women’s Legal Aid Centre (WLAC) to begin providing legal counsel and “Know Your Rights” workshops within the Nyarugusu camp in Kigoma Province. The introduction of “Know Your Rights” workshops marked an unprecedented step in the effort to educate refugees in the region on their internationally recognized rights.



Volunteer Legal Advocate Ryan with interpreters Pastor Wilondja and Johnson at a community workshop in Tanzania.



3. Policy Advocacy

Policy advocacy refers to Asylum Access's effort to effect changes in laws, policies or practices to better implement refugee human rights.

Ecuador

Asylum Access Ecuador played an integral role in developing a proposed Law of Human Mobility that will harmonize statutory law with refugees' Constitutional rights. AAE suggested changes to an initial draft of the law, and has spearheaded the creation of a civil society working group to develop and present a unified list of demands and suggestions to the government. Asylum

Access also successfully advocated for the reversal of two procedural changes to the refugee status determination process that would have shortened the time available to seek asylum and to file an appeal of a negative asylum decision, respectively.

Thailand

This fiscal year, for the first time, Asylum Access Thailand moved beyond legal aid to begin planning and implementing a policy advocacy strategy. In September 2009, AAT hired our first Policy Director, and in March 2010, after intensive negotiations, Asylum Access Thailand was officially registered as a project of the Human Rights and Development Foundation, a Thai umbrella organization. Registration is critical to Asylum Access's ability to pursue serious policy advocacy in Thailand.



Overseas Operations Director Michelle Arevalo-Carpenter.



Policy advocacy to effect changes in laws, policies or practices to better implement refugee human rights.

Since obtaining registration, AAT has advocated to get refugee issues on the agenda in broader human rights discussions, in particular discussions around employment and migrant labor; statelessness and access to birth registration; and trafficking. One early indicator of success is the reversal of a decision by the drafters of a UN Economic, Social and Cultural



Organization (UNESCO) report on statelessness in Thailand: The report's authors initially said the report would not include refugees, but at the urging of Asylum Access Thailand and a few other organizations, later included refugees and asylum-seekers.

Tanzania

Concurrently, Asylum Access Tanzania is compiling data on the myriad violations of refugees' human rights in Dar Es Salaam to support their advocacy to change Tanzania's encampment and refugee employment policies.

4. Strategic Litigation

Asylum Access utilizes strategic litigation to establish formal or informal precedents that improve respect for refugee rights by government or private actors.

Ecuador

Asylum Access Ecuador set an ambitious goal of bringing five cases of strategic importance in Ecuadorian courts by the end of 2010 (either alone or in collaboration with the Universidad de San Francisco de Quito, with whom we have an ongoing relationship). By the end of FY 2009-2010, AAE brought two cases addressing national origin discrimination and due process violations in the refugee status determination process, both of which are pending.

Thailand

Asylum Access Thailand is working with UNHCR to engage a Thai pro bono lawyer to bring a case in Thai court challenging the detention of child refugees. If successful, Asylum Access and UNHCR anticipate that this case will serve as a pilot for additional cases challenging the widespread detention of refugees and asylum-seekers.

Tanzania

Asylum Access Tanzania is currently developing a strategy to utilize impact litigation to establish formal or informal precedents that improve respect for refugee rights by government or private actors.



5. Global Policy Advocacy and Movement-Building

Over the past fiscal year, Asylum Access began advocacy in Washington, DC with the goal of tying some US foreign aid to a country's performance on refugee human rights.¹ Additionally, we continued our advocacy around access to evidence in UN-run refugee status determination proceedings, winning a commitment from UNHCR in June that it would issue a "clarification" to its evidence policy that allows for the release of evidence in at least some circumstances.

Additionally, Asylum Access continued to build the refugee rights movement globally, developing a strategy and laying the foundation for the expansion of Asylum Access's model to three additional countries in 2013. As part of this effort, we developed additional pieces of our Refugee Rights Toolkit, which were released to the Southern Refugee Legal Aid Network.



Global policy advocacy and movement-building to lay the foundation for the expansion of Asylum Access's model.

¹ This strategy has been used effectively in the area of trafficking, and we believe it can be expanded to refugee human rights, as Congress added an explicit reference to refugees in the most recent version of the relevant trafficking bill, which is up for renewal next year.



FUTURE PLANS

Asylum Access ultimately intends to make refugee human rights a daily reality for refugees in Africa, Asia and Latin America, and to create a replicable model other activists can use to make refugee rights a reality in every country around the world. By seeing refugees as people with rights, not just people with needs, Asylum Access believes we can create effective, sustainable solutions that put power and dignity back in the hands of refugees.

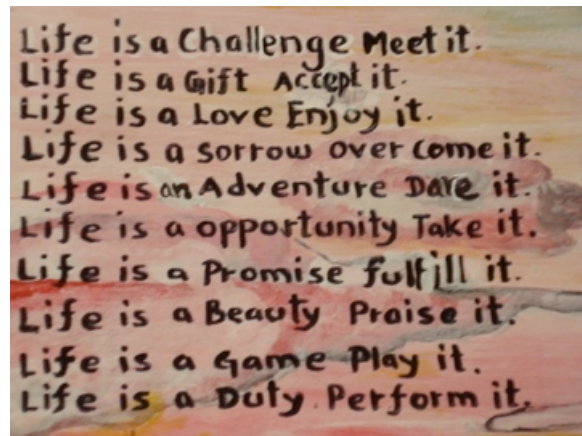
Asylum Access plans to launch three additional refugee rights offices by 2013 in south central Asia, West Africa and the Middle East. By demonstrating that respect for refugee rights can not only coexist with, but also increase, prosperity and growth, Asylum Access will lay the groundwork for global advancements to make human rights a daily reality for refugees everywhere.

A GLIMPSE OF SUCCESS

Asylum Access helped thousands of refugees in Ecuador, Tanzania and Thailand to seek asylum and assert other rights. Many of our clients are still in such danger that we cannot show their faces or even publish the details of their claims. Below, however, are a few clients who have agreed to let us tell their stories. Names and other identifying details have been changed to protect client security.

Caught Between Militias, a Boy Longs for Peace

Manu, a Tamil boy, comes from a part of Sri Lanka that was formerly under the brutal control of the Tamil Tigers. In 2006, government forces wrenched it back. Despite official Government control, however, the Tigers maintain a powerful presence in the region, carrying out regular attacks against the government and its allies, and strong-arming local residents for assistance.



This artwork was created for Asylum Access-Thailand's director by a refugee client, in gratitude for the director's efforts to make human rights a reality for Thailand's refugee community.



The Tigers confronted Manu in isolated paddy fields on two separate occasions. Threatened with death if he did not comply, Manu reluctantly bought food supplies for the fighters. The third time they asked, he refused – he was more afraid of repercussions from the Sri Lankan Army and the pro-Government militia, the Karuna Group, which tortures and brutally murders those who oppose it.

Unfortunately, his refusal was not enough. Arrested by the army, he was beaten and accused of helping the Tigers. Only his father's personal connections with a few army officers secured his release – but the army remained suspicious of him.

When other local men were killed by the Karuna Group and the Army on allegations of helping the Tigers, Manu went into hiding. The Karuna Group repeatedly visited his home, threatening to kill him. One night they finally found him, chasing him through the paddies and shooting. When Manu escaped, he fled the country, seeking refugee status in Thailand.

UNHCR rejected Manu's refugee claim, discounting the threats from the Tigers and the Karuna Group, and alleging that he was safe from army reprisals. When Manu sought help from Asylum Access, our legal advocates presented an appeal on Manu's behalf. We demonstrated that UNHCR's decision did not comply with international law, and that Manu is at risk of death should he return home.

As a result of our legal advocacy, Manu won his appeal and was granted refugee status in Thailand. No longer is he at risk of forcible return to Sri Lanka.



Vulnerable and exploited, a woman fights for fair treatment

Marta is one of many examples of why refugees should be viewed not as victims, but rather as survivors. Four years ago Marta fled persecution stemming from the Colombian conflict. After receiving her refugee visa Marta sought to re-establish

Drawings made by women at Asylum Access Ecuador's "Encuentros de Mujeres" (Meetings of Women), which provides a safe haven for memory and healing.



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herself in Ecuador, and she considered herself lucky to find a job with an Ecuadorian cleaning company.

Unfortunately, Marta's employers recognized both her dedicated work ethic and her vulnerable position as a Colombian refugee, and sought to exploit her. For four years Marta worked 8 to 10 hour days, six days a week, cleaning her employers' fitness club. Despite clear protection under Ecuadorian labor laws, her employers paid her less than minimum wage, refused to pay legally mandated overtime, and never gave her a vacation day. Her employers deducted money from her check for health insurance, but did not provide her any insurance. Nor did they pay the social security contributions or annual bonuses required by Ecuadorian law.

When Marta became aware that her rights were being violated, she approached her employer and asked them to respect the labor law. Her employer told her that because she was a foreigner she had no labor rights under Ecuadorian law, and refused to comply with any of Marta's demands for fair treatment. After this incident, Marta's employer changed her work schedule, requiring her to complete her 8 hour days in four, 2-hour shifts, with 2 hour breaks between each shift, effectively forcing her to work 16 hours a day. Her employer also reserved only the most difficult and unpleasant jobs for Marta. Finally, when this harassment failed to force Marta out of her job, she was fired. Her employer gave her no justification for her firing.

Rather than accept this unfair and illegal treatment, Marta decided to fight back. On her own, she filed a complaint with an inspector at the Ecuadorian Ministry of Labor. When it came time for her hearing, Marta appeared *pro se* to challenge her employer's lawyer. Unfortunately, the Ministry required that she substantiate her complaint in Ecuadorian labor law and that she file a written demand detailing the alleged wrongs. The Ministry gave her a week to find legal assistance. Not knowing how to move forward, and unable to afford a lawyer, Marta came to Asylum Access Ecuador.

During her initial consultation, AAE's Volunteer Legal Advocate (VLA) identified Marta's case as an important opportunity to challenge discrimination against refugees in the workplace. The VLA calculated that Marta's employer owed her more than \$7500, and drafted a demand substantiating her claims. AAE's Legal Services Director and the VLA managing the case accompanied Marta to



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her subsequent hearings at the Ministry of Labor. After discovering that Marta had found legal council, her employer asked for several postponements of her hearing, and finally failed to appear, resulting in a monetary sanction against the employer.

AAE is now preparing to bring a claim against the employer to ensure that Marta receives the compensation that she is due under Ecuadorian law.



Financials: Income and Expenses

	July 09 - June 10	July 08 - June 09
<u>Revenue</u>		
Contributed Support	386,653	197,883
Earned Revenue	115	685
Special Events	3,525	10,765
	<hr/>	
Total Revenues	390,293	209,333
<u>Expense</u>		
Program expenses	286,995	154,516
Salaries & Benefits	18,976	9,874
Fundraising Fees	0	750
Other Professional Fees	1,490	1,086
Advertising Expenses	250	310
Supplies	3,494	1,131
Telephone & telecommunications	939	426
Postage & shipping	109	47
Equipment rental & maintenance	589	85
Printing & copying	975	652
Rent & occupancy	5,313	2,325
Conferences & meetings	156	306
Travel & meeting	402	1,141
Insurance	971	981
Bank Fees	639	430
Other ¹	1,093	0
	<hr/>	
Total Expense	322,391	174,059
<i>Surplus / (Deficit)</i>	<i>67,902</i>	<i>35,274</i>



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ASYLUM ACCESS OPERATING BUDGET		2010-2011 (USD)
SALARIES (incl. benefits and taxes)		
Asylum Access HQ / Global Advocacy		177,720
Asylum Access Ecuador		138,500
Asylum Access Thailand		75,141
Asylum Access Tanzania		69,540
TOTAL SALARIES		460,901
OPERATIONS		
Rent & utilities - HQ		10,200
Rent & utilities - Ecuador		12,000
Rent & utilities - Thailand		9,180
Rent & utilities - Tanzania		10,000
Fiscal sponsorship - Thailand		6,000
Mobile legal aid transport/lodging – Ecuador		12,000
Mobile legal aid transport/lodging – Thailand		1,440
Mobile legal aid transport/lodging – Tanzania		1,920
Computer/IT equipment and maintenance - overseas		3,600
Computer/IT equipment and maintenance - HQ		500
Furniture and equipment - overseas		1,200
Furniture and equipment - HQ		150
Supplies/post (all offices)		10,000
Insurance		4,000
Professional org fees		2,500
Money transfer fees		1,200
TOTAL OPERATIONS		82,190
PROGRAM DEVELOPMENT AND TRAINING		
Volunteer training/materials/appreciation		1,500
Professional and board development		1,800
Interoffice exchange, evaluation, and toolkit		15,580
TOTAL PROGRAM DEVELOPMENT AND TRAINING		18,880
GLOBAL ADVOCACY		
Advocacy-related travel - HQ		6,195
Advocacy-related travel - overseas		1,200
UNHCR Annual Consultations		18,820
TOTAL GLOBAL ADVOCACY		26,215
DEVELOPMENT AND COMMUNICATIONS		
Development-related travel and event costs		10,000
Communications - print materials and speaking		5,250
TOTAL DEVELOPMENT AND COMMUNICATIONS		15,250
TOTAL OPERATING EXPENSES		



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Special Thanks to Our Donors and Volunteers

Asylum Access's program activities were made possible through the generosity of our donors and the hard work and dedication of our volunteers, in the US and abroad. Following is a list of those who have helped us make refugee rights a reality in 2009-2010.*

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