

CLINIC Administrative Advocacy Priorities: 2012
Approved by CLINIC's Board of Directors on November 13, 2011

- Enforcement
 - Monitor enforcement initiatives, including the Immigration and Customs Enforcement (ICE) Agreements of Cooperation in Communities to Enhance Safety and Security (ACCESS) programs. Document cases that illustrate problems with these enforcement mechanisms – especially violations of humanitarian guidelines. Present problematic cases and proposed solutions to DHS officials, especially through the agency's working groups with community-based organizations. (1)
 - Advocate that DHS issue clear guidance regarding eligibility and use of prosecutorial discretion and that the policies be implemented consistently and appropriately nationwide.
 - Gather data from network on aggressive policing, difficulties with the courts, and other potential civil rights violations. Share information on filing complaints and engage partner agencies in assessing issues that are ripe for litigation. (2)
 - Provide technical support to MRS on anti-immigrant enforcement legislation, through legislative analysis, drafting of talking points, and consultation on alternative legislative language. (5)

- Immigration Benefits
 - As systemic and individual case processing problems arise at U.S. Citizenship and Immigration Services (USCIS) service centers and district offices, document such problems and intervene with USCIS officials to resolve them. (1)
 - Participate in regular meetings with USCIS headquarters, and regular teleconferences and meetings with the various service processing centers and local offices. Solicit issues/problems for the meetings from affiliates, and share results of meetings/teleconferences with affiliates. (1)
 - Collaborate with USCIS on its unauthorized practitioners of law initiative. (1)
 - Document problems with and advocate for continued improvements to be made to USCIS's customer service systems. (2)
 - Monitor USCIS's implementation of electronic filing and continue to advocate for accessibility of services for all. (3, 4)
 - Advocate for policy guidance regarding signatures on USCIS forms in situations where the applicant is physically disabled and unable to sign but is not mentally incompetent and where the applicant is mentally incompetent but does not have a legal guardian. (3)
 - Support Migration and Refugee Services' (MRS's) legislative advocacy efforts in Congress to restore section 245(i) of the Immigration and Nationality Act (INA), which would provide an opportunity for the immediate relatives of U.S. citizens and lawful permanent residents (LPRs) who entered the United States without inspection to complete their applications for permanent residence in the U.S., rather than abroad and separated from their families. (5)
 - Support MRS's legislative advocacy efforts to repeal INA § 212(a)(9)(B) which creates the three and ten year bars to admission to the U.S. for people who wish to re-enter the country after accruing unlawful presence. Advocate for fair adjudication

of applications to waive the bars to admission and document cases of inconsistency among CLINIC's network. (2,5)

- Support MRS's legislative advocacy efforts to repeal INA § 212(a)(9)(C), which makes individuals seeking admission to the United States after being unlawfully present for more than one year inadmissible and requires that they wait ten years from the date of their last departure before requesting permission to re-enter the United States. (5)

- State and Local Measures
 - Provide legal analysis of proposed state/local anti-immigrant legislation/ordinances to State Catholic Conference Directors and other advocates working to combat such laws. (1)
 - Strengthen affiliates' capacity to respond to rapidly changing local legal environments by helping them to devise state-wide and regional advocacy, communication, networking and coalition-building strategies.
 - Document and share successful advocacy strategies. (1)
 - Track litigation regarding state/local ordinances and provide legal analysis of legal decisions to advocates. (1)
 - Encourage state/local advocates to introduce, positive, pro-immigrant legislation/ordinances that focus on integration. Support their efforts to do so. (1)
 - Track reports/stories of the negative impact of anti-immigrant measures that have been implemented, funnel this information to advocates working to combat similar laws. Highlight these examples in media as appropriate. (2)
 - Advocate against initiatives to permit state and local law enforcement officials to enforce civil immigration laws. (2)

- Naturalization/Integration
 - Review the results of USCIS's record study of the new naturalization test to compare pass/fail rates with the previous version. Advocate for the needs of vulnerable groups. (1)
 - Continue engagement with USCIS and other stakeholders. Gather and bring documented examples of problems with USCIS's implementation of the disability waiver to USCIS headquarters for resolution. (1, 2)
 - Monitor DHS's enforcement of its G-28 Notice of Appearance Rule to ensure that the agency continues with its stated support of pro bono services to applicants at workshop-style events. (3)
 - Work with USCIS to examine the its operations and financing of immigration services to determine whether administrative policy changes could be made to forestall future fee increases. (4)
 - Monitor the quality and consistency of services provided to naturalization applicants both nationally and in district offices. (1)
 - Support USCCB's efforts to convince Congress to appropriate sufficient funds to the USCIS Office of Citizenship to continue to direct a national citizenship program, and to get Congress to appropriate *regular*, annual funds to USCIS to support application processing costs and halt further fee increases. (5)

- Executive Office for Immigration Review (EOIR)
 - Continue regular liaison meetings with EOIR on issues including recognition and accreditation. Document examples of decisions based on incorrect legal interpretations and bring them to the Board's attention. (1)
 - Monitor issues related to docketing and other court procedures as they arise. (1)
 - Continue to consider, with EOIR, alternative ways to expand and fund pro bono representation before the agency, especially through the BIA Pro Bono Project. (2)

- Religious Workers
 - Monitor USCIS processing times for petitions and applications related to religious workers and advocate for improved processing times where delays/backlogs occur, particularly with regard to the scheduling of site visits. (1, 4)
 - Monitor court decisions and USCIS policy related to concurrent filing of religious worker applications required for adjustment of status. (3)
 - Monitor USCIS's issuances of Requests For Evidence (RFEs) in religious worker cases to ensure that case-specific RFEs are issued, rather than boiler-plate RFEs. Advocate that the RFEs not be overly burdensome, not extend beyond the requirements of the regulations and not seek redundant information. (1)
 - Monitor how Customs and Border Protection (CBP) interprets regulations when granting admissions at ports of entry. (4)
 - Support MRS's efforts to advocate for a permanent extension of the non-minister provisions of the Religious Worker Visa Program for special immigrant non-minister religious workers. (5)
 - Monitor USCIS's communication with applicants and representatives, to ensure that when a G-28 has been filed, the attorney of record is contacted in all matters. (3)
 - Advocate that USCIS adjudicate petitions for extension of status consistently with those of other employment-based applicants, so that religious workers will be permitted to recapture time spent outside the U.S. (1)

- Detention
 - Continue to advocate that ICE finalize and codify its detention standards into regulations, comply fully with the standards, and that they be applied to all facilities. (1, 5)
 - Advocate for alternative to detention programs that are true alternatives to detention, rather than alternative forms of detention. Advocate for appropriate treatment of vulnerable individuals, especially minors and people who may be mentally incompetent. (3)
 - Participate in the Detention Watch Network (DWN) working group on alternatives to detention. (1)
 - Continue to monitor effectiveness of ICE's procedure for detainees to obtain their medical records. (4)

- Participate in Enforcement and Civil Rights and Civil Liberties working groups. Document and raise problems/issues related to detention/enforcement in these forums. (1)
 - Continue to monitor DHS's implementation of its parole guidance. (3)
 - Continue to draft comments to proposed regulations regarding detention. (4)
 - Monitor appropriated funding for legal orientation programs (LOP) and encourage CLINIC partners/affiliates to apply for funding. Support MRS's efforts to secure additional appropriations for LOP expansion as well as for the BIA Pro Bono Project. (5)
 - Support MRS's efforts to advocate for a Congressional appropriation for non-profit organizations to develop alternatives to detention programs. (5)
- Immigration Reform
 - Collaborate with the Justice For Immigrants (JFI) Campaign. Propose, plan and host special events, as determined by JFI's governance committee, which includes CLINIC's Executive Director. (1)
 - Work with MRS in providing feedback and analysis on pending legislation, and raising the concerns of member agencies on issues that need to be included in any immigration bill. (5)
- Asylee and Refugee Issues
 - Continue to engage with Asylum HQ to raise issues of importance to affiliates. (1)
 - Continue to monitor the effects of the material support bar on asylum seekers, advocate for DHS to continue to exempt more countries and groups from terrorist-related grounds of inadmissibility, and make individual case inquiries to USCIS. (3)
 - Monitor the effects of law and policy as they relate to asylum seekers, including the one-year filing deadline. (1)
 - Continue to advocate for seamless sharing of information regarding benefits and social services with asylees and refugees. (1)
 - Encourage government agencies including USCIS and the Office of Refugee Resettlement (ORR) to increase outreach to refugees to ensure they file for permanent residence as soon as they are eligible. (1)
 - Advocate for and monitor increased involvement by ORR in programs and activities that support asylees and refugees. (1)
- Humanitarian Issues
 - Advocate with USCIS to provide Employment Authorization Documents (EADs) to TPS registrants in a timely manner. Document examples of this problem and resolve them with USCIS Service Centers and HQ. (2)
 - Advocate for TPS and other forms of relief for specific populations as the need arises. (4)

LEVEL (1) PRIORITIES

Level 1: *Most Important Issue.* *Proactive approach needed, involving documentation and research of cases to support issue, active advocacy, including use of media as appropriate, to effectuate change.*

LEVEL (2) PRIORITIES

Level (2): *Very important issue, but we need further documentation of the problem before we can proactively tackle this issue.* *Monitoring and documentation will continue.*

LEVEL (3) PRIORITIES

Level (3): *Important issue but we have already engaged in substantial administrative advocacy on the issue without positive change.* *In some instances, it is unlikely that positive change can be made in the current political climate. We will continue to raise the issue.*

LEVEL (4) PRIORITIES

Level (4): *Monitoring and Reactive.* *Involving documentation and public education on the issue, sign-on letters (generated by others), possible alerts to the field, drafting comments to proposed regulations.*

LEVEL (5) PRIORITIES

Level (5): *Indicates an issue of great importance to CLINIC but which needs to be solved primarily through legislation.* *CLINIC does not work on legislation but will continue to stress this as a priority issue with MRS.*