

Staffing Your Immigration Legal Program

CLINIC: Center for Citizenship and Immigrant Communities
March 25, 2009
2:00 – 3:30 pm EST

*PowerPoint slides will be posted at: <http://www.cliniclegal.org>

*****Please call 484-589-1010 and enter the
access code 497-847-638 for audio******

CLINIC Presenters

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CLINIC's Capacity Building Goals

- Expand the number of charitable legal immigration programs
- Increase services
- Improve services

CLINIC's Capacity Building Activities

- Board of Immigration Appeals (BIA) agency recognition & staff accreditation
- Immigration Program Management training
- Management webinars
- Consultations with Field Support Coordinators
- On-site visits/assessments

Capacity Building Activities, cont'd.

- Project management
- Flow-through funding
- Link members & subscribers to CLINIC services
- Prepare programs for significant immigration changes

Challenges in Capacity Building Training

- Wide variation in capacity levels
- New and long-standing programs
- Regional differences
- Size
- Different levels of agency support

Webinar's Goal

- To help immigration programs optimize their performance with careful staffing.

Overview

- Functions of immigration staff
- Hiring and re-training considerations
- Supervision of legal staff
- Staff training and development
- Use of volunteers

Case Study

- On the importance of staff supervision...

Types of Staff

- Attorneys
- Law Graduates
- Accredited Representatives (Full and Partial)
- Law Students
- Non-Accredited Staff (Paralegals)
- Support Staff
- Interns and Volunteers

Job Descriptions for Immigration Staff

- Refer to CLINIC handbook, “Managing an Immigration Program,” p. 35

Pros and Cons of Hiring an Attorney

- Pros:
 - Ability to handle complex cases
 - Increased ability to recruit volunteer law students and pro bono attorneys
 - No need for BIA recognition & accreditation
 - Fee generation
 - Grant competitiveness
- Cons:
 - Cost!
 - Attitude (sometimes)

What to Look for When Hiring an Attorney

- Make sure he/she is a member of the bar in good standing in at least one state, territory, possession, or DC (check state directory)
- Consider background/experience in immigration law
- Consider management experience

Hiring a Law Graduate

- Consider risk involved, if he/she does not pass bar exam
- Law graduate must be supervised by licensed attorney or accredited representative
- Should not hold him/herself out as an attorney
- If he/she does not pass bar, consider applying for BIA accreditation

Accredited Representatives

- Possible to hire a formerly-accredited representative and apply immediately
- Re-training existing staff
- Consider how long employee is likely to stay at agency, due to time and monetary resources invested for necessary training

Factors in Deciding Which Staff Members to Train for Accreditation

- Level of interest in immigration work
- Aptitude for immigration work (attention to detail, organization, good writing skills, advocacy skills, people skills)
- How likely to stay at agency
- Language ability

Recommendations

- Especially in smaller agencies, have one or two more people accredited than you need, in event of loss of accredited representative.
- Consider offering a title change and salary increase to staff who become accredited.
- Consider developing in-house training program so new staff can learn from experienced staff.

Staff with Multiple Job Functions: Challenges

- Make sure other agency staff and clients understand the different parameters and policies of each program
- Important to have support of Program Director
- Set up clear policies to ensure that only immigration staff do immigration work

Note: Accredited reps can NOT take on cases privately, or for another agency

Two Aspects of Supervision for Immigration Work

- Technical legal work
- Adherence to agency case management standards

Note: A non-attorney supervisor can/should ensure that attorneys and other staff follow proper case management systems

Options for Technical Case Supervision

- Supervisory review
- Peer review
- On-site
- Remote, via internet or telephone

Challenges for One-Person Programs

- Important to make contact with other practitioners for support, guidance, advice
- Consider setting up regular case review meetings with other nonprofits
- Consider formal/informal consulting relationship with outside attorney
- Use national networks and listservs

Benefits of Staff Training & Development

- Keeps staff informed of changes in immigration law, regulations, procedures
- Provides networking opportunities
- Keeps staff challenged and interested

Note: Must be top priority in the budget

Immigration Law Training Sources

- CLINIC
- Immigrant Legal Resource Center (ILRC)
- Immigration Advocates Network (IAN)
- State immigration coalitions (NY, MA, IL)
- Webinars
- Mentoring or “job shadowing”

Benefits of Using Volunteers

- Expand program capacity
- Raise agency's profile in community
- Attract new funding
- Raise awareness of immigration issues in your community
- Accommodate surges in demand for services

Guidelines for Working with Volunteers

- Initial and on-going training
- Confidentiality agreement recommended (see samples in management handbook)
- Respect and consideration for their time
- Retention

Suggestions for Retaining Volunteers

- Good organization
- Good backup plans
- Good communication
- Acknowledgement
 - Formal and informal
- Good training and supervision
- Communal spirit

Using Volunteer Interpreters: What to Look For

- Fluency in English and the other language
- Have some basic training in interpretation
- Understand confidentiality requirements
- Not be related to client (do NOT use family members to interpret, if at all possible)
- Refer to management manual for guidelines

Using Pro Bono Attorneys

- Pros:
 - Greatly expand legal services capacity
 - Law firm may provide funding for agency
- Cons:
 - Work involved in recruitment, training, supervision

Using Law Students: Work You Can Assign Them

- Intake consultations
- Case review
- Client follow-up and appts.
- Legal research
- Interpretation and translation
- Preparing clients for interviews/hearings
- Preparing briefs

Key: Active supervision and mentoring

Other Kinds of Volunteers

- Non-law student “interns” from local colleges/universities
- Full-time volunteers from Americorps, VISTA, other programs

Help for Staffing Issues

- CLINIC's Immigration Program Management Trainings and 2009 Schedule:
http://www.cliniclegal.org/sites/default/files/2009TrngChart022709_0.pdf
- CLINIC's manual, *Managing an Immigration Program*: <http://www.cliniclegal.org/clinic-publications-0>
- Contact Field Support Coordinator with program-specific questions and requests

Other CLINIC Resources

- CLINIC's Survey of Member Agency data
- CLINIC's *Starting an Immigration Program*
- CLINIC's *Preparing for Legalization*

Other Information

- Webinar is available at both www.cliniclegal.org and www.immigrationadvocates.org
- The PowerPoint will be available at: www.cliniclegal.org.

Questions or Further Information

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