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Will History Repeat Itself?

A Guide to Immigration Legalization Preparation.

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As you know, the House and Senate are scheduled to negotiate a compromise that could produce a comprehensive immigration reform bill. For the first time since the Immigration Reform and Control Act (IRCA) of 1986, legalization may become law. Without knowing exactly what will pass, it is difficult to plan for our programs. However, we know the rough outlines of the possible legislation and we can mine our own experiences for concrete preparation steps we can take now.

Memory Lane

I started working for the United States Catholic Conference/CLINIC in 1987, just as IRCA took effect. That year was a whirlwind of activity for programs in the field delivering services, as well as for those trying to provide policy guidance and technical support at USCC. It was chaotic, exciting, overwhelming, and ultimately a fairly successful program. Almost three million people were legalized. The national church and local diocesan programs were key players on the policy level in Washington and in the regions in district legalization offices. They also educated and served a large part of the legalization population. There were many bumps along the way, however, and problems that later haunted efforts at a second amnesty. We can learn from our mistakes.

Why It Will Be Easier This Time

Two huge advantages exist for programs contemplating legalization now compared to where we were in 1986. First, we have experience with this type of program. Second, technology has vastly increased the speed of information communication.

In 1986, no one had experience operating a legalization program since there had never been one. We were starting from zero. Now we have 158 affiliates, and some of them still have staff who went through legalization 20 years ago. In addition, they have now been representing people in all areas of immigration law for decades.

All programs can benefit from the collective institutional memory. We are now in the position to say that it has been done before, and some of the challenges and responses are remembered. (See [“Lessons from Legalization.”](#) By Charles Wheeler, *Catholic Legal Immigration News*, February 2004.)

Even those staff members who do not remember legalization can usually claim experience with group processing. Group processing has often been used for naturalization applications in recent years. This model is very useful for legalization, where large numbers of people have to be served in a limited period of time. Instructional materials are available that detail how to organize group processing for immigration legal services. (See, for example, the Immigrant Legal Resource Center's *Naturalization and U.S. Citizenship Manual*, Chapter 10, Group Processing. These models can be adapted to legalization.)

Improved Technology

In 1986, we were faced with the need to educate programs rapidly around the country as the regulations and interpretations of legalization law changed often. The programs had to communicate with the immigrant population and with coalitions nationally when there were local problems in misinterpretation of the law. This information was disseminated in mailings, telephone, and in video and in-person trainings around the country. As Bishop Dimarzio remembers from those days, we barely used fax communication, since these machines were not ubiquitous in 1986. Offices had

computers, but not every individual in an office would have constant access to a computer.

During IRCA, there was no email, no listserves, and no Web sites to give instant updates on legal changes. We were sending information by the equivalent of pony express. It is much easier and faster to get information to our programs now. It is also much easier for a national or regional office to compile information from local direct services programs about problems in the field that need solutions.

Legalization Preparation Tips

Looking back, these are some of the points I remember about what best prepared programs for legalization - and how we can go about that now.

1. Recruit, train and supervise volunteers.

Implementing legalization required more labor than nonprofit agencies could ever hope to hire. Volunteers were critically important. They allowed the programs to serve more people. Legalization is about serving large numbers of people in short periods of time. In IRCA, we had one year to finish all the first-stage legalization applications. The current proposed legislation also deals with short application periods, some as short as six months. Recruiting, orienting, and training volunteers will be essential if the undocumented population is going to be legalized.

2. Recruit. Programs should plan now where they will recruit volunteers. Assign a person to think out this task, and talk to other programs who currently use volunteers. Many IRCA legalization programs used parish volunteers to great benefit. They used the parish media and masses to recruit volunteers, and put them to work at the parish level. Others recruited full-time professional retirees.

Sr. Margaret Perron reminded us at the Convening recently that retired individuals from religious communities are often willing, competent, and valuable volunteers. Some legalization programs recruited students, community people, former State Department and Immigration Service employees, and other interested individuals who went through

training and committed a minimum number of hours to the program.

The longer term volunteers with the greatest numbers of hours available per week were given the greatest amount of responsibility. I remember many lawyers from non-immigration fields who dedicated large numbers of evening and weekend hours to do volunteer work in our legalization programs. The volunteers were rewarded with the gratitude of clients, and by what measures of appreciation the program could organize for them.

3. Train and supervise. Volunteers provide free labor, but they still have to be qualified and supervised. Interviewing and screening volunteers is an important step after initial recruitment. Check their writing and language skills, as well as prior employer recommendations. Some of our affiliates ask volunteers to do a police clearance. Organizing the training and supervising volunteers is critical. They will only be able to contribute to the program if their work is well informed and receives frequent feedback. To do this well, full-time staff of the immigration program should be dedicated to the task of volunteer supervision.

4. Establish a legalization coordinator now.

Planning is essential to efficient start up for a legalization program. Someone in the diocese who is closely tied to immigration legal services should be appointed now as the legalization coordinator. This person should be following all the developments in proposed legislation, thinking about details of implementation, and asking for needed resources. Too many programs in IRCA did not have effective planning before the application period started. They wasted time trying to catch up throughout the program.

5. Review group processing models and find space for group workshops. Diocesan legalization programs used church auditoriums, schools, and community space they could obtain for low or no cost to process large numbers of people. Applications were handled in such large spaces over two-three sessions. A walk-in intake usually began the process, and scheduled appointments to

provide missing documents completed the process. The large spaces were also used for community education sessions during the start-up period, and for trainings during the application period.

The operation depended heavily on volunteers supervised by legal staff of the program. Where will your program find low or no-cost space when you need it? Is it available evenings and weekends? Is it conveniently located to your regular immigration program as well? Your staff may have to go back and forth between legalization and their existing casework. A legalization coordinator for the immigration program should be thinking about space now.

6. Plan intake and fee process. Diocesan legalization programs charged \$100 or less for the preparation of the stage one legalization application. A reasonable fee in 2006 for a legalization application preparation might be akin to that currently charged for adjustment applications in your program. Additional fees might be charged if waivers or extra work is required. Once there is a law and we know what required, it will be possible to estimate a reasonable legal fee.

The fees should be collected up front to assure that the client stays with the program, and that the program does not end up maintaining files for nonexistent clients. One problem many diocesan programs had during IRCA is that they pre-registered eligible applicants before the application period began. They provided education and scheduled people months ahead to return for case handling. Many individuals took the information and never returned.

It is best to provide walk-in service immediately for as many people as possible, and provide appointments for the follow up needed to complete the application. Again, this requires large numbers of volunteers to staff, and extended hours of evenings and weekends if the application period is limited to six months or a year.

7. Plan hours of operation. Planning now should include thinking about the hours of service your program could provide. During IRCA, many

programs were able to operate evenings and weekends, especially when legalization heated up and they faced a large volume of cases half way through the application year. Hours of operation will depend on the staff and volunteers a program can dedicate to legalization, and to the space that the program can find.

8. Obtain BIA recognition and accreditation.

During IRCA, programs were licensed as qualified designated entities (QDEs) by the Immigration Service. The QDEs were supposed to be nonprofit community programs working on legalization. Unfortunately, the QDE process provided little if any screening, and many illicit for-profit enterprises were included on the list of 977 QDEs. The QDE model is very unlikely to be promoted again. Instead, some versions of the current legislation propose that only BIA-recognized programs be allowed funding to provide legal services. Thus, the already important step of licensing our immigration legal service programs has become even more essential.

Seek BIA recognition now for any immigration program in your diocese that does not have it yet. Seek BIA accreditation for individuals working in those programs. Consult the field office staff of CLINIC's training and technical division if you need assistance.

BIA recognition and accreditation applications are now handled by Angela Rivas, EOIR/BIA, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041, (703) 305-9385.

9. Find needed equipment. During IRCA, programs often completed applications by hand, or used typewriters to complete the final version. We may need to do some of the applications that way again, depending on how much access programs will have to computers for volunteers. Also, vast numbers of copies had to be made. Find the machines (computers, copiers, printers) now that your program will need.

During IRCA, programs also did photos and fingerprints for applicants. This time around, these

services will be contracted out, much like they are currently to the local Application Support Centers.

10. Write an outreach plan. In 1986, there was a six-month start-up period before the application period began. Some programs used that to reach every group in their diocese in person or in local media. Others were still trying to decide who would work on legalization. Plan now to do outreach. This is needed not only to educate the community on the requirements of the law, but also to bring them in to your program to service. Find out where the population is in your diocese, and decide how you will reach them. Use census data as well as your own knowledge of the community. Be creative. I remember one program that obtained a grant to buy a van, which they drove all over town with legalization information billboards. They parked at shopping centers or day labor sites and provided mobile legal services wherever immigrants gathered.

11. Recruit lawyer volunteers. Find pro bono or legal staff to provide quality control and supervision. During IRCA, many diocesan programs did not have lawyers on staff. They hired lawyers or they recruited retired and pro-bono volunteer lawyers to assist with the legal review needed before applications prepared by volunteers were ready to be submitted to the Immigration Service. Now, many more programs have lawyers on staff. However, these programs have ongoing caseloads that cannot be abandoned the day legalization passes. Well-trained volunteer lawyers could enable current staff to divide their time between an ongoing caseload and a new legalization operation.

12. Decide how to handle ongoing caseload.

This was much less of an issue in 1986, since many of the diocesan legalization programs started from nothing, and did not have to worry about the continuing representation of existing clients. Now, our programs all have ongoing operations of various volumes, and they will have to decide how to divide their time between that caseload and the new one of legalization.

It will be necessary to decide whether intake of other types of cases will be shut down for a limited time to allow current staff to dedicate a growing portion of their time to legalization. Also, legalization might be set up as a parallel program within the same immigration legal services program of the diocese, using the expertise of current staff and supplemented by the newly recruited volunteers.

13. Identify and participate in coalitions. During IRCA, coalitions of community-based organizations had a powerful impact on implementation and policy. Most programs had local coalitions that met with their own legalization office, and they fed information into the national coalition that met with INS headquarters. Programs should explore their local and regional coalitions now, and start working with these groups. Tie in to the Justice for Immigrants campaign and CLINIC updates on legalization. You can sign up for these alerts at www.justiceforimmigrants.org. To join a new CLINIC listserve on legalization, contact Mirna Torres at mtorres@cliniclegal.org.

This is just a preliminary list of steps to take so that we are more prepared for legalization this time than we were in 1986. If history is going to repeat itself, maybe we can improve on it this time.

For more information on legalization preparation:

<http://www.cliniclegal.org/Legalization.html>

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