

CHAPTER ONE

Building Agency Support for an Immigration Legal Program

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The decision to initiate or expand an immigration legal program is a serious one. There are different players at every agency and in every community who will need to work together to create or expand an immigration program. Every program, no matter its size or how long it has been in business, needs institutional support in order to survive and thrive. If your agency provides nothing but immigration legal services, you will need a board of directors that understands and supports your work. If you are part of a larger agency, you will need the support of the parent agency as well as its board. This chapter focuses on ways to build and maintain that support.

You will also need the support of individuals and organizations outside your agency: funders, community members, government officials, and the media. Later chapters on funding and external relations will focus more closely on building those relationships, although this chapter will suggest ways to use internal support to build external support for your immigration program.

MAKING THE DECISION TO PROVIDE IMMIGRATION LEGAL SERVICES

The decision to provide immigration legal services can have profound implications for your organization. It is not a decision that should be made lightly, even if you are already providing social services to immigrants or refugees, or even if the need for such services in your community is compelling. You will need to consider a number of factors, such as:

- Whether the contemplated program and activities would fit within your organization's existing mission;
- If you are adding a program to an existing organization, whether you have the support internally from your colleagues, board and parent organization and externally from the key constituencies in your community for undertaking this work;
- If you are creating a new program, whether you have garnered sufficient support externally from your community partners and/or from a faith-based or secular network of nonprofit providers to raise the funds and obtain the technical guidance and training necessary to launch your program; and
- Whether you have a well-thought-out plan for launching or expanding an immigration legal services program.

How to Determine Whether or Not You Are Ready to Provide Immigration Services

Mission Fit

If you are an existing social service agency contemplating the addition of immigration legal services to your program offerings, the provision of such services must be consistent with your agency's mission statement. The broader your organization's mission, the more likely it will be that legal services will fit into it. If your agency's mission is too narrow to encompass immigration legal services, your organization will probably need to make appropriate changes to the organization's legal documentation (articles of incorporation or charter for a nonprofit, bylaws, mission statement).

If you are considering starting a new organization, you will need to draft a mission statement that will incorporate the provision of immigration legal services. Your mission statement might include some key principles that animate most legal services programs: respect for and zealous representation of

the client; a culture of professional caring; a willingness to serve as many clients as is reasonably possible without compromising the program's financial and organizational viability over time; and an unwavering commitment to providing high quality services.

Agency Resources

Before starting an immigration program, you will need to make sure that your agency has adequate physical space, the tools and equipment needed to offer immigration legal services, library materials, and staff with knowledge of immigration law. You will also need to ensure that you have adequate funding for your program. Chapters Two, Three, Four, Five, and Seven explore these areas in detail.

MAKING THE CASE FOR AN IMMIGRATION PROGRAM

Once you are convinced that you need to add an immigration legal services program to your agency, or that you need to create a new agency, you will need to convince others. This section will explore some of the tools you may use to do that, as well as detailing the different players you may need to approach and how best to make your case to them.

Needs Assessment

An assessment that identifies the need for new or expanded legal services¹ can be a useful tool to gain support from your upper management and/or board of directors. A needs assessment can demonstrate to your agency the real need for immigration legal services in your area. For an immigration program, a needs assessment will likely include demographic information indicating the local population(s) that need services; and information on existing services and whether they meet the immigration legal services needs of the population(s) to be served.

Demographics

Several resources are readily available to help assess the number of non-citizens, including the undocumented, living in a particular area. The U.S. Bureau of Census American Fact Finder, at www.factfinder.census.gov, includes detailed census data tracked by city, state, and other criteria. The Center for Applied Research in the Apostolate (CARA) at Georgetown University has issued a study that breaks down U.S. Census data and interprets it in terms of individual Catholic dioceses within each state. Other census reports addressing where immigrants reside and the number of undocumented immigrants are available from the Pew Hispanic Center (www.pewhispanic.org) and the Migration Policy Institute (www.migrationpolicy.org). Grantmakers Concerned about Immigrants and Refugees (GCIR) has useful demographic information (www.gcir.org) as does the Migration Policy Institute (MPI) (www.migrationpolicy.org). Should your agency have a focus on immigrant victims of crime and domestic violence, state and local police and district attorneys will have useful crime statistics. The U.S. Citizenship

Why We Made the Decision to Provide Immigration Legal Services

“There was a convergence of factors in our decision to start an immigration legal program. Part of it was the public nature of the discussion about immigration in the country, and the strong local reaction to that public discussion. At the same time, there was more integration of Catholic Charities into the life of the diocese. Catholic Charities and parishes were encountering more and more individuals and families in need of immigration assistance. Catholic Charities is the largest social service agency in the county. Our staff is encountering an increasing number of undocumented people in our basic needs programs, and they are seeing more and more immigrants in need of services. Parishes also were seeing more and more people in need of services. Our Bishop has a keen understanding of what is occurring in the Diocese and that we needed to respond to all of this.”

– Bill Hoey, Catholic Charities of Bridgeport, CT

¹ The Needs Assessment may be done by an outside consultant (more often the case for start-ups) or by program staff (generally the case for established programs looking to expand or meet new challenges).

and Immigration Services (USCIS) maintains a Statistical Yearbook that will also help you fit your community into the broader patterns of immigration into the United States.

Documenting the Need for Immigration Legal Services in Your Community

Along with demographics, you will probably want to show that there is not currently enough capacity to serve the immigration needs of low-income immigrants in your area. While there is no current guide listing all community-based organizations nationwide offering immigration legal services, the Board of Immigration Appeals' roster of recognized agencies and accredited representatives is a good source for documenting where recognized agency programs are located—and by inference where they are not—and the number of accredited representatives on staff. This listing, organized by state and city, may be found at: <http://www.usdoj.gov/eoir/statspub/recognitionaccreditationrosterwithstatecity.pdf>.

Use this resource to identify nearby agencies already providing immigration legal services. You may want to talk to these groups while preparing your needs assessment as they may be able to attest to the fact that they cannot handle the entire local need for services. You may also use the roster to point out a lack of immigration legal services in your area. Other sources, such as United Way and the Councils of Government, may have demographic information reflecting a lack of services.

You might also decide to convene a focus groups that includes local civil society leaders, such as mayors, members of the board of supervisors, the head of the school district, sheriffs, and police chiefs; public and private health service providers; leaders of faith-based programs and institutions; and program officers at local foundations that support immigrant integration. Such a group could also provide evidence of the need for immigration legal services in your community. Furthermore, convening community meetings made up of these individuals is also a way to develop local support for any new or expanded program and links to possible funding opportunities.

Business Plan

Every program should develop a business plan. Creating one can help you address specifically how you will start up or expand your program. You can also use a business plan as a tool to help motivate and persuade upper management and/or the board of directors of your parent agency to branch out into immigration legal services. A detailed business plan can demonstrate the viability of an immigration legal program. It will make your proposed program look professional, and it can give your upper management and/or board confidence in your ability to manage such a program. You can also use a business plan to demonstrate to funders that your nascent program is professionally run and likely to succeed—and thus worth funding.

Assessing Local Need for Immigration Services

“As we were considering adding immigration legal services to our agency’s work, we conducted a comprehensive survey in our diocese. We met with all Catholic Charities case management staff to find out what kinds of client needs they were seeing. We learned that there were two levels of need: significant number of folks had social service, medical, housing, and food needs. A significant number needed immigration information. They were very vulnerable to exploitation based on wrong immigration information. We also met with all 87 parishes in the Diocese and heard of the needs that are presented there. Again there were two levels of need: basic needs and assistance in navigating the immigration system. “

– Bill Hoey, Catholic Charities of Bridgeport, CT

Areas to address in a business plan include:

- *Scope of services*

Lay out the kinds of services your program is planning to provide. Will your services be limited to a fairly narrow range, or will you accept a wide range of cases? Will you provide in-court representation or representation before USCIS only?

- *Staffing needs and structure*

What kind of staff do you need for your immigration program? Do you plan to hire new staff or re-train current staff?

- *Space, tools and equipment*

What space, tools, and equipment will you need, and how much will you need to spend on them? If you anticipate having items donated, which items will these be, and who will be donating them?

- *Case load*

What kind of case load do you envision for your program? How many cases will you aim to handle, and what kinds of cases do you plan to take on?

- *Technical legal support*

If you don't have experienced legal staff, how will you ensure that your staff have adequate support for technical legal questions?

- *Budget and funding*

Given your immigration program's budgetary needs, where will funding for the program come from?

- *Timeline of key events and benchmarks*

Especially if your program is new, what goals do you plan to meet in the program's first year?

Instead of creating a separate needs assessment, you may decide to include needs-assessment information within your business plan.

Whom to Approach About Starting or Expanding Your Program

Within Pre-Existing Agencies

Many immigration programs are created within already-functioning social service or legal service agencies. To create, and in some cases to expand an immigration legal program, you will need the buy-in and support of those who run the agency. Nonprofit agencies are governed by boards of directors who serve as fiduciaries and stewards. Depending on the agency's size and your position, you may need to convince upper management as well.

If you are not the agency's executive director (ED), cultivating your ED is crucial to success. Demonstrate to your ED both how an immigration legal program would complement the other work being done at the agency; and how compelling the need is for such services in your community. If a legal services program already exists and you are trying to make the case for its expansion, make an effort to involve your ED in community outreach activities, client consultations, or a staff meeting to give her or him greater familiarity with the program.

You will also probably need the support of the agency's board, especially to launch a new immigration program. If you are the agency's ED, you will approach the board directly. If you are not the ED, you will need to make your case first to the ED. If the ED supports you, either the ED alone, or you and the ED together, will approach the board to propose adding immigration legal services to the agency's work.

There are various tools you may use to garner this support. It is almost always a good idea to prepare a business plan for your program. You may also choose to do a needs assessment. If your board and/or

ED are not already convinced of the need for immigration legal services in your community, a needs assessment can add weight to your recommendations.

Beyond the logistics of the needs and how you will address them, you may need to address less than welcoming attitudes about immigrants and immigration legal services. Remember that not all social service organizations view the provision of immigration legal services as an extension of the work they already do. Some are wary of the requirements, liability exposure and political risk associated with legal work. Others are unclear about how legal work differs from other social service work. Others are willing to work with immigrants they see as “good”—refugees and asylees—but not with others they see as “bad”—undocumented people.

You may need to address such attitudes directly to convince the ED and the board to support legal work for immigrants. Faith-based agencies have a wealth of scriptural and doctrinal resources to rely on in supporting newcomers regardless of their legal status. Other groups ground the equal treatment of immigrants and refugees in human rights law and practice. Proponents of an immigration legal services program may have to work hard to explain to the board and/or upper management what is involved in immigration legal services, and why that work is relevant to the agency’s broader social service agenda.

A business plan and needs assessment are powerful tools to help convince your board of the need for immigration legal services, and of your agency’s ability to deliver such services. The board may want to know why the agency’s current work for immigrants is no longer sufficient. The board may want to know who else in the community is doing immigration work, and if there are other organizations, why they are not able to meet the need for services. Some of the factors that board members may be especially interested in hearing about might include:

- What increased liability will an immigration program bring, and how will the agency handle that?
- What kind of insurance will the agency need for an immigration program?
- What will the program cost, and where will the money come from?
- What are the hiring requirements for an immigration program?
- How will legal work intersect with the agency’s other program areas?
- What are the public relations consequences?

At a Start-Up Agency

If you are committed to starting a new nonprofit organization to deliver immigration legal services, you will face a somewhat different set of challenges. You will not need to make your case to management and a board; rather you will need to recruit a board that shares your vision and is willing to work toward it. At a new agency it is especially crucial to create a strong business plan. You may also find that a needs assessment helps in convincing potential board members to join your organization.

In addition to legal requirements, a start-up organization will need to assemble a board of directors. A diverse board comprising representatives from key community constituencies, individuals with professional backgrounds relevant to the organization’s operations (such as law, accounting or nonprofit management), and potential donors or citizens of stature in the community will be an asset to the organization.

MAINTAINING AGENCY SUPPORT

Board Involvement and Development

To the extent that you can participate in the life of the agency beyond your program, it is important to do so. You can inform and educate the agency as a whole about immigration issues. Ask your executive director if it would be possible to do a presentation to the board members on the kind of work your program does and the clients it serves. Get a board member excited about what you do so that he or she will fight for you later. It is important that board members are educated about their responsibilities.

Whom to Include on Your Board

If you are starting a new nonprofit, you will need a board of directors. If you work in an existing agency, your ED may want to work to add new members to the board who will be able to contribute to the work of the immigration program. You will want a mix of different talents and abilities on your board. Remember that a board should not be composed solely of your friends, but of a wide range of people who will make tangible contributions to the program. Some qualities to look for when recruiting board members include:

- Personal reputation as “pillars of the community”—people who will stand by the program are crucial where community support is especially important to your success;
- Financial means and/or connections to people with means, along with the willingness and ability to use those connections;
- Skills that will be of help;
- Absolute commitment to the mission—you need board members who believe strongly in your agency’s work and will be motivated to work hard to help the agency succeed;
- Affiliation with colleague organizations that do complementary work—consider including staff from organizations whose work complements your own, as this may lead to fruitful collaborations; and
- Membership within the dominant user group whose voice you want represented—i.e., an immigrant community leader/member.

It is generally a good idea to have on your board a mix of people with resources or access to resources, and people who know and understand your work. All board members should be strongly committed to the agency’s work.

There are many online resources available to nonprofits on board creation and development. These include:

- www.boardsource.org
- guidestar.org (see www.guidestar.org/news/features/question_may06.jsp#1 for an excellent article on finding effective board members)
- www.idealists.org

Board Members With Vision

“An immigration board member should ‘catch the vision’—someone who knows and cares about immigration issues. I’d include some outside people such as from Legal Aid organizations and advocacy organizations, as well as from AILA.”

– Sue Colussy, Immigration Program, Catholic Social Services Inc., Atlanta, GA

How Our Advisory Committee Helped Us

“Our advisory committee consisted of a local Jesuit priest with a great deal of knowledge and experience with immigration, several private immigration attorneys, staff from the International Institute, some volunteers from the community, and our CLINIC Field Office Attorney. The committee was very helpful in convincing the board that this wasn’t just social work-do-gooders: it validated for the board and the diocese that this was the right thing to do. The advisory committee represented a world-view from outside the agency.”

– Bill Hoey, Catholic Charities of Bridgeport, CT

Advisory Boards

It may be useful for the immigration legal services program to set up a board of advisors, particularly if the board of the parent agency has little expertise in running such a program. Drawing a diverse group of advisors from your community (attorneys from law firms, academics, American Immigration Lawyers Association members, former clients, representatives of immigration advocacy groups) can provide added support and guidance. The advisory board can provide substantive expertise, marketing advice, and resource development assistance. If you do create an advisory board, clearly establish its role and how it will relate to the agency.

SECURING AND MAINTAINING AGENCY-WIDE SUPPORT

Running a successful immigration legal services program within a larger agency requires working with the parent agency to ensure that the program receives the institutional support it needs. A smooth working relationship between the parent agency and the immigration program is critical.

Guidelines for Working With Parent Agencies**Overhead and Allocated Costs**

Establish what services the agency expects the immigration program to perform and what services the agency will perform in return. Agencies usually charge subsidiary legal immigration programs overhead and allocated costs—typically a percentage of the program’s budget—for services such as accounting, resource development, marketing, support, space, and case referrals.

Communication

Develop a regular mechanism for discussing important issues with the parent agency. This will avoid surprises on either side.

Priorities

Ensure that the immigration program knows the agency’s priorities and vice versa. If immigration services is not one of the agency’s priorities, work to make it one. Some social service agencies view immigration services as ancillary rather than central to the agency’s mission. This puts immigration programs on precarious footing. Ensure that other agency components understand the many benefits of the immigration legal program to their own clients.

Buy-in from the Rest of the Agency

If you are not the Executive Director, work with the ED so that he or she will ensure that other divisions in the agency understand as much as possible about the immigration program. This is especially important where there are other programs that can complement the immigration program’s work, and vice versa. For example, one executive director makes it a priority to bring together the heads of the refugee resettlement program and the immigration program to ensure that they work in tandem, not at cross-purposes.