

## CHAPTER SEVEN

External Relations:  
Outreach, Marketing, Advocacy, and Media

## 7

**M**any of the previous chapters focused on policies and issues internal to your program: equipment, staffing, case management procedures, budgets and funding. To run a successful program, however, you will need to work with a wide range of outside individuals and organizations, because immigration programs don't operate in a vacuum. This chapter focuses on the following fundamental aspects of external relations:

**Outreach**

- Building relationships with other organizations
- Community education
- Marketing

**Advocacy**

- Administrative
- Legislative

**Media**

These categories are interrelated: community outreach presentations and media coverage can be a way to market your program; community outreach may be a form of advocacy on immigration issues; media coverage may be a form of advocacy. We will explore each separately, and discuss overlaps.

First we discuss outreach: whom you might reach out to and why, and how you might go about doing that. Next we explore some traditional and not-so-traditional marketing techniques. Then we discuss the different forms of advocacy and how and to what extent you may be able to use them. Finally, we discuss how to work effectively with the media to burnish your image, promote your clients' causes, and defuse crises.

**OUTREACH**

Outreach encompasses both forming relationships and alliances with organizations outside your own; and educating individuals and groups outside your organization about immigration issues. Both are important to a healthy immigration program.

**Importance of Partnerships and Collaborations**

There are many reasons for forming partnerships and relationships with other organizations: making a continuing case for your program; staying on top of fast-changing policy and legal developments; becoming more effective advocates for your clients; learning from your peers; and raising your visibility. We discuss each of these reasons more fully.

Make a Case for Your Program Locally

Your program needs to make a continuing case for its importance, garner political support and cultivate allies locally, fundraise, build name recognition and trust, develop and maintain a strong reputation for providing accurate information and quality legal services, assemble a referral base, and build a potential client base. Strong relationships with community partners help you achieve all of these goals.

### Stay on Top of Legal and Policy Developments

Immigration legal services programs—particularly newer and stand-alone programs—will have a steep learning curve in the complex and ever-changing world of immigration law. It is particularly important that new and stand-alone organizations and programs form partnerships with immigration coalitions, larger umbrella groups, and technical assistance providers at the local, state and national levels. Such partnerships will help your agency stay up to date on the current state of immigration law, locate and attend trainings, find mentors who can provide advice as you develop your internal systems and work on cases, and tap into existing referral networks.

There are many organizations in the immigrants' rights field capable of providing this vital support. But this organizational infrastructure is fragmented and decentralized, and it may not exist in your area. Therefore it is important for you to identify the resources you need to support your work. The key information sharing mechanisms to consider tapping into and using are websites, listservs, trainings (in person or remotely through webinars), hotlines, and call-in conference calls.

Programs that are part of affiliate or other networks need to cultivate and maintain strong relationships with their national offices and with sister affiliates. Being part of a national network does not lead automatically to strong relationships; your program will need to take initiative to develop these relationships. Find out about all the support services your national network provides and take full advantage of them.

### Become More Effective Advocates

Partnerships may enhance your advocacy efforts. In the next section we will explore the different forms of advocacy. It is important to note that the more connected you are with other groups locally, regionally, and nationally, the stronger your own advocacy efforts are likely to be.

### Learn From Your Peers

All immigration legal service providers, whether you are new to the work or have been doing it for twenty years, have much to learn from peers. Reach out to your sister organizations, within or outside your affiliate network, for help on any number of matters, including making your case to local partners and funders, locating sources of training and mentoring, discussing best practices and local issues, and even discussing case questions.

### **Local Partners**

Some potential partners are natural allies and will welcome your approach. Others, such as chambers of commerce, local businesses that employ immigrants, and unions, may be allies only on certain issues. Whether or not these community members are initially friendly or hostile, it is important to begin a dialogue and keep open lines of communication. Be sure to approach representatives of as many of the ethnicities that live in your community as you can identify.

Below is a list of possible partners at the local level that your program might consider getting to know:

- Immigrant and ethnic organizations, associations and coalitions
- Refugee resettlement programs
- Religious organizations (churches and other congregations)
- Grassroots activist organizations
- Local bar associations
- American Immigration Lawyers Association (AILA) local chapters or individual AILA members
- Community centers
- Literacy and ESL/civics programs
- Crime victim coalitions/domestic violence groups

- Food and hunger coalitions/homeless prevention programs
- Unions
- Universities, particularly law schools and departments of demography, sociology, political science, and Latino or Asian affairs
- Community colleges
- Schools
- Parent advocacy groups
- Libraries
- Justice and peace communities
- Health centers and health advocacy groups
- Chambers of commerce
- Businesses that employ immigrants
- Rotary clubs and other civic and fraternal organizations
- Ethnic media and press (includes TV, radio, print, and internet, including blogs)
- Governmental offices (local government offices at county or city level who are immigrant friendly or have regular dealings with immigrants, mayoral and local legislative offices)

### Community Education

Local outreach encompasses more than meeting with organizations and individuals. Community presentations are an important way to promote your program, raise your profile, build resources, build local support for immigration issues, and attract clients. Community presentations may be:

- Educational sessions on new legislative developments
- Discussions with local advocacy and service organizations about working together, immigration law developments, and case referrals
- Panel discussions with other members of the community on broader immigration topics
- Educational sessions aimed specifically at immigrants, on immigration law and eligibility for immigration benefits

In some cases, you may be called upon to make presentations about legal rights to non-citizen detainees whom the Department of Homeland Security (DHS) is seeking to

#### *“We Offer Three Different Types of Presentations”*

1. Faith/social teaching and immigration: why immigrants come, push factors, economic situations in different countries. I try to bridge the disconnect between the faith and issues—what is the faith aspect of immigration and why should we approach immigrants/migrants with respect.

Combining faith teachings with the realities of the immigration system can create an eye and mind-opening experience for those who listen. Ultimately this increased open-mindedness benefits everyone, the immigrants in the community and those who have had a change of heart and mind.

2. Presentations to agencies or organizations that have clients, so they can inform their clients about our services. This includes nonprofit social service agencies, community action agencies, teachers, clinics, health centers, community agencies, various church denominations, workshops for certain professional groups (social workers) at universities. We tell them about the services our program provides and how they can access it. Congressional offices sometimes invite us to talk about immigration issues. Other times, we participate in community fairs where we have a booth or space to talk about the program (not cases/counseling).

3. To immigrants who need legal services, we speak about immigration law and recent changes. We also explain to them what is possible under the law in terms of adjustments and immigration of relatives. We also talk about how to be preparing for legalization, if or when it passes, using materials from CLINIC’s website (this is what we’ve been doing for the past year). We asked people not to voice their concerns in public, at the general presentation. If people have questions, they could talk privately with one of the staff of our program at the end of the presentation, or make an appointment and come to the office.

Our presentations help dispel rumors and inaccurate information given out by notarios or other unauthorized practitioners. Education is a key component of what we do in our immigration program.”

– Claudia I. Moncada-Trueblood, Diocese of Las Cruces, NM

remove from the United States. These “know your rights” presentations help detainees decide whether they have legal grounds to fight deportation, and, if so, help them to assert their rights before Immigration Court. Presentation packets are available from a number of national organizations and coalitions.

It is a good idea to build relationships with members of the community who are not necessarily welcoming in order to tone down fear and negative rhetoric before it begins or grows stronger. Establishing relationships with employers of immigrants and unions can also help prevent anti-immigrant rhetoric and actions. Local bar associations and civic associations such as rotary clubs or chambers of commerce can serve as liaisons to unwelcoming segments of the community through jointly-sponsored events or meetings.

### *Explaining Immigration Issues to People Who Are Not Already Supportive*

“On some occasions I have been invited, by two of our advisory board members, to give presentations to political groups—Republican and Democratic party sections. They are interested in understanding the realities of how the immigration law/system works. When talking about the problems of the system and how much it affects the life of a person and their family, I use the Visa Bulletin. After we review the categories within the family preference system, I ask them to calculate how long it takes a U.S. citizen to bring a non-immediate relative to the United States. Then you can see in their faces that they start thinking, truly thinking. Every presentation is different, but the comments are very similar, 'now I understand why some people come without visas,' some others would even say 'if I was in that situation of course I would cross too.' It seems to me that when the explanations and issues stop being general, and get personal, through stories or exercises like the one I just told you about, issues start to make sense and take on moral significance.”

– Claudia I. Moncada-Trueblood, Diocese of Las Cruces, NM

## **State and Regional Partners**

There are various possible relationships to develop at the state and regional level:

State-wide or Regional Immigration Coalitions. There are a few state-wide networks that provide services to their coalition members. If you are within the geographic scope of one of these coalitions you may be able to join. If not, you can ask for advice on how to start a coalition of your own. Here are some of the more established state coalitions and their websites:

- New Jersey Immigration Policy Network [www.njipn.com](http://www.njipn.com)
- Illinois Coalition for Immigrant and Refugee Rights [www.icirr.org](http://www.icirr.org)
- New York Immigration Coalition [www.thenyic.org](http://www.thenyic.org)
- Florida Immigrant Advocacy Center [www.fiacfla.org](http://www.fiacfla.org)
- Massachusetts Immigrant and Refugee Advocacy Coalition [www.miracoalition.org](http://www.miracoalition.org)
- Tennessee Immigrant and Refugee Rights Coalition [www.tnimmigrant.org](http://www.tnimmigrant.org)

A coalition may include a variety of groups, including religious organizations, advocacy groups, social and legal service providers, business associations, ethnic organizations, and labor unions. A well-organized coalition can disseminate information to a wide and diverse audience, and serve as an effective immigrants’ rights advocate. An informal coalition might start out by sharing information on community problems and evolve into an organized body that shares training responsibilities and public education duties and advocates for pro-immigrant policies and administration of laws at the state and national level. When you develop trusted local partnerships, you can divide up work such as presentations at community meetings, testimony before legislative bodies, and interactions with the press; rely on each other for expertise; and build broader community support for your work.

### American Immigration Lawyers Association Chapters.

AILA has organized chapters of immigration lawyers around the country. These chapters may be of help to you on substantive immigration law matters. Some of these lawyers might even be willing to serve as mentors to your program, supervise some of your legal work while you are developing your program, or serve on your Board. To locate the chapter nearest to you, go to <http://www.aila.org/content/default.aspx?docid=1188>.

### State Governmental Offices

Explore partnerships with state offices of newcomer affairs or refugee resettlement, state health departments, and state legislative offices.

### District Level U.S. Citizenship and Immigration Service Offices

See the Advocacy section for ideas on how and why to develop a relationship with your local USCIS office.

### **National Organizations**

Connecting with national groups can be important—particularly if there is no local immigration coalition or national affiliate network for your program to join. Typically, local or state coalitions serve as intermediaries between the national organizations and the organizations that provide direct services to immigrants. If none of these intermediaries is available to you, establishing a direct relationship with national organizations can enable your organization or program to stay current on cutting-edge legislative and regulatory developments that can affect your clients and community; to engage in administrative advocacy (to help individual clients and seek more systemic change); to lobby Congress for reform of immigration laws; and to obtain useful guidance on working with the media.

Below is a list of the websites of some prominent national immigration organizations. Many of these organizations provide technical legal assistance, operate listservs to keep network members abreast of legislative and case law developments, and sponsor trainings on law, policy and advocacy. Each organization has a different area of expertise. Explore their websites and become familiar with the type of resources they offer:

- American Civil Liberties Union Immigrants' Rights Project  
[www.aclu.org/immigrants/gen](http://www.aclu.org/immigrants/gen)
- American Friends Service Committee  
[www.afsc.org](http://www.afsc.org)
- American Immigration Lawyers Association  
[www.aila.org](http://www.aila.org)
- American Immigration Law Foundation  
[www.aifl.org](http://www.aifl.org)
- Asian American Justice Center  
[www.advancingequality.org](http://www.advancingequality.org)
- A.S.I.S.T.A.  
[www.asistaonline.org](http://www.asistaonline.org)
- Catholic Legal Immigration Network, Inc.  
[www.cliniclegal.org](http://www.cliniclegal.org)

- Detention Watch Network  
[www.detentionwatchnetwork.org](http://www.detentionwatchnetwork.org)
- Fair Immigration Reform Movement  
<http://www.fairimmigration.org>
- Hebrew Immigrant Aid Society  
[www.hias.org](http://www.hias.org)
- Immigrant Legal Resource Center  
[www.ilrc.org](http://www.ilrc.org)
- Lutheran Immigration and Refugee Service  
[www.lirs.org](http://www.lirs.org)
- Migration and Refugee Services, United States Conference of Catholic Bishops  
[www.nccbuscc.org/mrs](http://www.nccbuscc.org/mrs)
- National Conference of La Raza  
[www.nclr.org](http://www.nclr.org)
- National Immigration Forum  
[www.immigrationforum.org](http://www.immigrationforum.org)
- National Immigration Project of the National Lawyers Guild  
[www.nationalimmigrationproject.org](http://www.nationalimmigrationproject.org)
- National Immigration Law Center  
[www.nilc.org](http://www.nilc.org)
- National Network for Immigrant and Refugee Rights  
[www.nnirr.org](http://www.nnirr.org)
- Southeast Asia Resource Action Center  
[www.searac.org](http://www.searac.org)

## MARKETING

“Marketing” is another name for your efforts to attract clients and build awareness and support for immigration issues in your community. In the previous section, we discussed community outreach as a way to achieve these goals. There are other ways to do this, also forms of outreach but often considered “marketing” tools: advertising, creating a website, and distributing flyers. Because some marketing avenues are more time and cost-intensive than others, the kind of marketing you do will depend in part on your available resources.

### Low-Cost Marketing Options

- Word of mouth from prior clients
- Newsletters
- Fliers—distribute them at community events, community centers, places of worship, and schools
- Media—see the Media section below
- Outreach to community organizations

### Medium-Cost Marketing Options

- Advertising in print media, including local newspapers, ethnic newspapers, newsletters, and magazines
- Advertising in the Yellow Pages, including those Yellow Pages available in some cities that target certain ethnic groups, such as “Hispanic Yellow Pages”
- Sponsoring community and neighborhood events

### High-Cost Marketing Options

- Professionally-produced brochures
- Website
- Professional marketing help: either on staff or consulting
- Television and radio advertising

### Audience for Marketing

While your primary purpose in marketing the program may be to attract clients, there are other audiences you can and should reach: volunteers, media, and current/potential funders.

## **ADVOCACY**

Almost all immigration legal service programs engage in some form of advocacy. Many engage in “administrative” advocacy (approaching a government agency about specific cases in which the agency is making a procedural error, interpreting the law incorrectly). Many immigration service providers also do the kind of educational outreach we discussed in the previous section, which also constitutes a form of advocacy. Some groups also engage in “legislative” lobbying, trying to influence legislation passed at the local, state, or federal level. In this section, we will discuss what nonprofit organizations need to be aware of in terms of limitations on the type or quantity of lobbying work they can undertake and we will describe the usual forms of advocacy that nonprofits engage in.

### **Legislative Advocacy**

#### What It Is and How Much of It You May Engage In

Many program managers erroneously believe that charitable organizations risk losing their 501(c)(3) tax-exempt status if they engage in ANY “lobbying” activities. Programs should become familiar with the basic laws governing lobbying by 501(c)(3) tax exempt nonprofits and learn which activities they may engage in and in what amounts. *Note that this manual does not give legal advice regarding which activities immigration legal assistance programs may engage in, nor how much time and money relative to the size of their budgets they may spend without jeopardizing their federal tax exemptions.*

#### Direct Lobbying

“Direct” lobbying refers to advocating a position on specific legislation to legislators or other government employees who participate in the formulation of legislation, or urging your organization’s members to do so (a call to action). This includes working to influence the outcome of a referendum or ballot initiative.

#### Grassroots Lobbying

“Grassroots” lobbying means taking a position on specific legislation, and asking the general public to advocate that position to legislators or other government employees who participate in the formulation of legislation.

The term "lobbying" does *not* include the following activities:

- Litigation
- Attempts to influence agency regulations
- Advocacy to a government agency (administrative advocacy)
- Provision of technical assistance or advice to a legislative body or committee in response to a written request
- Dissemination of nonpartisan analysis, study, or research
- Provision of examinations and discussions of broad, social and economic problems
- Communication with a legislative body regarding matters which might affect the existence of the organization, its powers and duties, its tax-exempt status, or the deduction of contributions to the organization (the "self-defense" exception)
- Informing members of your own organization about legislation, without a call to action

In general, nonprofit organizations described under Section 501(c)(3) of the tax code may engage in lobbying and other advocacy activities within certain limits. The Internal Revenue Code provides that "no substantial part" of the activities of such organizations may involve "carrying on propaganda, or otherwise attempting, to influence legislation," and that such organizations may not "participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office." Commonly, "substantial" activities are those that comprise more than five percent of an agency's budget, but the IRS has never formally adopted this standard as its threshold test. The IRS measures compliance with the "no substantial part" test on the basis of "all the pertinent facts and circumstances of each case," determined under a variety of factors, such as the time devoted (by both paid and volunteer workers) and the expenditures devoted to the activity by the organization. Courts have interpreted this test in a variety of ways, from a 5 percent safe harbor to a ruling that percentage tests are inappropriate.

Alternatively, Section 501(c)(3) organizations, except for churches, may elect to operate under Section 501(h) of the tax code. Most nonprofits will view the Section 501(h) test as preferable to the insubstantial test because it provides greater certainty as to what activities are covered and how to calculate whether those activities exceed specified limits and likely permits greater lobbying activity overall. Organizations must elect to operate under 501(h) by filing a simple form with the Internal Revenue Service (Form 5768, available from the IRS website).

Under the Section 501(h) expenditure test public charities may spend:

On direct lobbying:

- 20 percent of the first \$500,000 of its exempt purpose expenditures;
- 15 percent of the next \$500,000, and so on, up to one million dollars a year.

On grassroots lobbying:

- 5 percent of the first \$500,000 of its exempt purpose expenditures;
- 3.75 percent of the next \$500,000, and so on, up to \$250,000 a year.

*Source: Independent Sector (current as of June 2007).*

### **Reporting Lobbying Expenditures**

Public charities must report their federal, state and local lobbying expenditures on their Forms 990. In addition, the Lobbying Disclosure Act (LDA) requires organizations that employ lobbyists and spend in excess of \$24,500 in federal lobbying-related expenses during any six-month reporting period to register with Congress within 45 days of employing a lobbyist and to file disclosure reports with Congress on a semiannual basis. The reports must include the name of the organization; a list of the specific issues lobbied on during the filing period, including bill numbers and references to specific executive branch

actions; and a good faith estimate of the total expenses the organization incurred in connection with lobbying activities. Organizations that have made the 501(h) election may opt to use the Form 990 definitions of lobbying to estimate their lobbying expenditures for the LDA report. *Source: Independent Sector (current as of June 2007).*

Program managers must take the time to understand the tax laws that govern their agencies' activities, along with state and federal lobbying legislation and rules. If you need further guidance, contact the Alliance for Justice and/or a tax expert or tax attorney.

### Further Resources

- Alliance for Justice  
[www.allianceforjustice.org/nonprofit/](http://www.allianceforjustice.org/nonprofit/)

*Worry-Free Lobbying for Nonprofits: How to Use the 501(h) Election to Maximize Effectiveness  
Being a Player: A Guide to the IRS Lobbying Regulations for Advocacy Charities:*  
[http://www.allianceforjustice.org/research\\_publications/publications/](http://www.allianceforjustice.org/research_publications/publications/)

You may also ask questions of AFJ specialists by email, phone and letter.

- Independent Sector

*Non Profit Lobbying Guide, 2<sup>nd</sup> Edition:*  
<http://www.independentsector.org/programs/gr/lobbyguide.html>

Useful fact sheet on lobbying:  
[http://www.independentsector.org/programs/gr/advocacy\\_fact\\_sheet.htm](http://www.independentsector.org/programs/gr/advocacy_fact_sheet.htm)

## ADMINISTRATIVE ADVOCACY

Effective legal representation often involves administrative advocacy. Immigration legal service programs will engage in various forms of administrative advocacy as a natural extension of their direct legal representation of clients. Unlike legislative advocacy or lobbying, administrative advocacy involves interfacing directly with the various agencies that administer immigration laws, including U.S. Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), the Office of Refugee Resettlement (ORR), and the Executive Office for Immigration Review (EOIR).

Most immigration legal service providers will engage in administrative advocacy for three main reasons: (1) to redress improper or unfair decisions on individual cases made by local immigration officials; (2) to address systemic processing problems or repeated misapplication of the law by a certain immigration official or office; and (3) to address the needs of special populations.

### Administrative Advocacy for Individual Clients

Immigration legal service providers may receive decisions from USCIS inconsistent with agency policy or federal regulations. They may encounter adjudications officers who provide inaccurate information or erroneously reject applications from eligible applicants. In such cases, effective advocacy can help resolve problems or even alleviate the need for costly appeals.

*Administrative Advocacy Helps Resolve a Case*

“Ms. N” came to Catholic Charities Immigration Legal Service. Ms. N, an applicant for adjustment of status (green card), had assistance of private counsel who was subsequently barred from practicing immigration law. As soon as Ms. N learned that her attorney had been removed from the local USCIS District Office through her state Attorney Grievance Committee. She also learned that she was unable to secure a copy of her file and new counsel by the interview date. As per the instructions on her interview notice, Ms. N re-appeared on her interview date. Despite her timely request for a new interview application for “abandonment.”

After a consultation with Ms. N, an attorney with Catholic Charities Immigration Legal Service provided significant administrative advocacy before successfully requesting a motion to reconsider the adjustment application denial. USCIS denied the motion with minimal explanation. Second, Ms. N’s attorney wrote several letters to the USCIS District Director outlining why the decision was improper. When the District Director failed to respond, the attorney contacted Ms. N’s Congressional Representative. A staffer from the congressional representative’s office had a lengthy email exchange with a USCIS staff member who looked into her case. Unfortunately, the staffer was unable to convince USCIS to reconsider its decision.

At this point, Ms. N’s attorney contacted CLINIC. Many national organizations, such as CLINIC, meet with DHS headquarters officials on a regular basis. Through these meetings, they can often ask for DHS’ intervention in certain cases. Because Ms. N received services from a CLINIC affiliate, CLINIC was able to request intervention in the case from USCIS Headquarters. After working with Ms. N’s attorney to write a letter with multiple attachments documenting the case, CLINIC submitted the letter to USCIS Headquarters. USCIS Headquarters intervened and instructed the local USCIS district office to grant Ms. N a new interview date.

– Catholic Charities Immigration Services, Washington, DC

*“We Don’t See USCIS as the ‘Other Side’*

We have an excellent relationship with our local USCIS office, and I think it’s because we never see them as ‘the other side.’ I start with the premise that they are just doing their job, the same way that I do my job when someone comes to me. We approach USCIS with the attitude that they are professionals doing their job.”

– Rene Franco, Catholic Social Service, Immigration and Citizenship Program, Tucson, AZ

**Important Note:** When writing to USCIS or DHS officials, it is important to use an appropriate tone. Avoid accusatory and inflammatory language—it will only aggravate the reader and put her or him on the defensive. Present facts that clearly demonstrate that an injustice has occurred and action must be taken to resolve it. The first paragraph of the letter should make it clear what you are asking for. The body of the letter should lay out the facts and chronology of the case. Include any legal authority that supports your claim. Advocates who present facts that demonstrate a violation of an agency’s own regulations or policy are more likely to have successful outcomes than those who criticize an agency for its ineffectiveness.

**Steps to Take When Engaging in Administrative Advocacy**

- Attempt to resolve the case at the local level. Document phone calls, letters, emails, in person inquiries with the immigration officer or his or her supervisor.
- Bring the issue to the attention of the USCIS District Director, in writing.
- Contact a friendly congressional representative for assistance.

If you are a member of a larger network or national organization that meets regularly with USCIS headquarters, contact that organization to request headquarters (HQ) intervention. Note that national organizations will not be able to raise individual case problems with HQ level officials unless they can demonstrate that you have tried all avenues to resolve the problem at the local level and have failed.

Immigration legal service programs will be faced with many different scenarios requiring administrative advocacy. Agency processing delays, misapplication of the law, and misplaced files are just a few reasons that legal representatives will engage in administrative advocacy. The more involved a program and its staff are in local liaison meetings with USCIS and other DHS components, the more connections and relationships the program will form with key DHS staff who can assist the immigration program's staff and clients.

#### Get to Know Immigration Staff at Your Representative's Local Office

Note that Congressional Representatives typically have at least one staffer who handles immigration-related inquiries. These staffers have direct access to USCIS officers. When a legal representative's efforts to communicate directly with USCIS fail, Congressional representatives may be able to help resolve the problem. It is a very good idea to find out who the immigration staffer(s) is at your representative's local office, to introduce yourself and get to know them. A strong relationship with a Congressional office can be extremely helpful when you have a problem you are not able to resolve directly with USCIS.

#### **Addressing Systemic Problems**

Immigration legal service programs may discover persistent or systemic problems in DHS' interpretations or applications of law or regulations. In such instances, documentation of several cases coupled with an explanation of relevant law and policy can help effect positive change. Federal agencies (especially headquarters officials) will not take action unless you give them specific cases to investigate. Good relationships with local USCIS or other DHS personnel are also essential to creating better policy and procedure.

##### *Resolving a Policy Issue Through Administrative Advocacy*

A Catholic Charities Immigration Services program that works with many Cubans started seeing a recurring problem. Because there is no national policy on how long Cubans are paroled into the country, different Cuban parolees were getting I-94 documents (the document all non-immigrants receive when they enter the United States) with different validity periods. As a result, almost all needed their validity periods extended. Because no national policy exists as to which agency (USCIS, CBP or ICE) should take responsibility for such extensions, in many places all three agencies refused to issue them. Catholic Charities provided a detailed description of this problem to local ICE, CBP and USCIS officials. They included several case examples in the letter, made several follow up phone calls, and raised the issue at liaison meetings. As a result of these advocacy efforts, the local USCIS office agreed to take responsibility for issuing parole extensions to this population. The local USCIS office provided Catholic Charities Immigration Services' Program Director with an outline of the procedures for obtaining such extensions.

– Immigration Program of Catholic Charities of Southern Nevada

#### **Forming Relationships with Local USCIS/DHS Staff**

At a minimum, nonprofit immigration agencies should take part in local USCIS and community-based organization (CBO) meetings. Liaison meetings are an important opportunity for your agency to learn local operating practices and procedures. Similarly, they are an opportunity to learn who "the players" are in the local office. Although there might be a completely different staffing structure within DHS under a future legalization program, knowing the current players and practices still might be relevant under the changed law. Most local USCIS offices have monthly or bi-monthly liaison meetings with CBOs. Some district offices have separate meetings with AILA members. Frequently, ICE and CBP staff are invited to attend such meetings.

### Building a Strong Relationship with Local USCIS Office

“We have an excellent relationship with the Milwaukee USCIS office. It took many years to build the relationship. We used to time our mid-day, primetime telephone calls to “INS” where we’d wander through the archaic telephone system only to be placed on hold time and again. It wasn’t unusual to wait 22 minutes before being cut off! We had no relationship with the Milwaukee staff other than one of hostility and frustration (behind their backs).

Many years ago the Milwaukee USCIS District Director began to call quarterly CIS-CBO meetings to bring anyone working as an attorney or accredited rep or even just as community members/volunteers together with CIS staff. The meetings allowed us to ask policy questions, and to help troubleshoot specific problems. Our staff went to the meetings in all kinds of weather. No matter how snowy it was, we made the drive there. Sometimes Milwaukee-based CBOs did not show up, but we did. The District Director noted this and commented on it. He saw how important we thought the meetings were and appreciated our participation. This deepened our rapport with USCIS staff as they were impressed with our continued and consistent attendance at the meetings. We showed USCIS that we were dedicated to our clients and eager to do things right and within the law. They liked and respected us for this and reciprocated by providing us with their staffs’ private email addresses and telephone numbers to their desks so as to better help us serve our clients.”

–Barbara Biebel, Catholic Charities, Resettlement & Immigration Services, Green Bay, WI

There are currently 17 USCIS Community Relations Officers (CROs) in different USCIS districts around the country (see list below). CROs serve as points of contact for general questions and concerns regarding USCIS policy, procedure, and updates. The CROs disseminate the latest USCIS Press Releases and Fact Sheets, and free USCIS informational products in Spanish and English. Such products include USCIS change of address posters, USCIS publications about INFOPASS, online case status services, and the NCSC 1-800 number. CROs do not entertain individual case inquiries. If there is a CRO in your area, it would be wise to form a relationship with her or him.

#### USCIS District Offices with Community Relations Officers (CROs)

- Miami
- New York
- Philadelphia
- Washington, DC
- Chicago
- Denver
- Detroit
- Houston
- San Antonio
- St. Paul, MN
- Los Angeles
- Honolulu
- Phoenix
- Portland, OR

#### *How to Forge Long-Term Relationships with Local USCIS*

“Over the years I have worked to develop a relationship with our local USCIS Congressional liaison person. Now we are good friends, and so she will respond to my emails rapidly. My recommendations for developing a strong relationship: don’t ask them dumb stuff, and things you can find out other ways. Don’t ask them for legal advice. Don’t be antagonistic. Be grateful and appreciative. Talk about things other than cases—I know our liaison enjoys the outside contact she has with me. Find things you have in common and bond over them—for instance, both our liaison and I have grandkids, and we talk about them. I also use my husband’s military service as a way to connect to USCIS officers. My husband served during Vietnam, and I have used that so many times, because lots of CIS officers are former military.”

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

- San Diego
- San Francisco
- Seattle
- Atlanta

Forming a relationship with your local USCIS office also gives them a chance to get to know you and your agency. The better reputation your program has at the local office, the easier your job will be when you represent clients there.

### **Other Advocacy Initiatives**

Depending on the size of your program and staff availability, there are many other ways that legal service providers may engage in advocacy.

#### Letter-Writing Campaigns

Local organizations may launch letter-writing campaigns on specific issues. Note that such campaigns are far more effective when you collaborate with local coalitions and/or national organizations. If the aim is to effect change at the state level, a state coalition can get the word out more effectively than any one group. Each organization within the coalition can send out letters from its constituents while the coalition coordinates the overall message of letters. You can also organize write-in days so that volunteers come to the office to write advocacy letters with your assistance.

National organizations can amass large volumes of advocacy letters to send to their representatives in Congress. Remember, though, that 500 fill-in-the-blank letters sent to the same representative may be a mile wide but an inch deep. Members of Congress look far more closely at individually composed letters from constituents; such letters demonstrate that a wide group of their constituents feel strongly about an issue. Whenever possible, provide bullet points to guide your letter writers but encourage each person to write a unique letter.

#### Sign-on Letters to Heads of Agencies

Groups of organizations sometimes submit “sign-on” letters to heads of agencies about various policy and procedural issues. Such letters can demonstrate to agency officials that there is serious concern within the community about implementation of immigration laws and regulations. As an individual agency you may consider signing on to various letters organized by state or national groups. Adding your voice to such letters is one more way to alert DHS to your concerns.

#### Comments on Proposed Regulations

Before the DHS issues major rule changes, such as fee increases for immigration applications, DHS holds a “notice and comment” period. During this time organizations and individuals may submit written comments on the proposed changes. A large number of comments during notice and comment periods can serve to show DHS that there is significant concern over a proposed rule change. Often national organizations will draft model comments that local agencies may adapt.

#### Monthly Group Conference Calls

Most national immigration organizations set up monthly conference calls with their members to disseminate information about matters like changes in immigration law and procedure. During these conference calls, members may also be able to voice their concerns to national staff, who in turn can voice collective concerns to DHS and other relevant government agencies. Conference calls can also help advocates stay on message by creating a unified message.

#### Partnering with State Offices

Forming relationships with state offices and your governor's office can result in greater outreach, funding, and services to community based organizations and their constituents. For example, state level outreach and advocacy can help secure funding for citizenship services through the state budget. These relationships can also serve the agency and its members during emergency and crisis situations such as immigration raids.

### *How the Media Can Help Individual Clients*

CLINIC recently helped a Korean woman who was in detention and facing deportation after 25 years of living as a lawful resident in the United States. She was sentenced to one month in jail after she pled guilty to embezzlement at the restaurant at which she worked. Unfortunately, her court-appointed attorney was unfamiliar with immigration law and did not realize that the guilty plea would result in her being considered an aggravated felon—a classification that made her deportable and landed her in mandatory detention. Even though deportation seemed too severe a penalty for this minor transgression, and would have separated her from her American-born children, legally there was little that could be done to help her.

CLINIC helped publicize her ordeal through high-profile media stories. After The Washington Post and The Richmond Times Dispatch ran feature articles about the case, U.S. Rep. Frank Wolf (R-VA) took up the cause and appealed directly to DHS undersecretary Asa Hutchinson and ICE director Michael Garcia for her release. ICE eventually stated that the circumstances did not merit her continued incarceration, and released her. Without all the publicity that led to the involvement of a member of Congress, it is highly unlikely that ICE would have taken such a step.

coalition. Remember that the court of public opinion is often more compassionate than a court of law. A sympathetic story in the local newspaper, the national press or on national television may move your case forward more than any legal tactic.

Be careful, however, when bringing individual cases to the attention of the media. You MUST make sure that your client consents to this exposure, and you must be sure to advise her or him as best as you can of the risks of media attention. Select your cases judiciously: make sure that media attention is not likely to harm your client.

### Reach Policy Goals

## **MEDIA**

This section provides introductory guidance on how to use the media effectively to disseminate information to immigrants, improve case outcomes, reach policy goals, and attract clients.

### Disseminating Information to Immigrants

The press may at times be able to disseminate important information about available legal remedies and eligibility, particularly in times of legislative change and uncertainty when the public may fall prey to the unscrupulous promises of notarios. For this reason, it is important to develop and maintain contacts with the radio, television and print media—especially the foreign language media—in your local community.

### Improve Case Outcomes

Cases that have stagnated in the courts may be expedited when they receive media attention, and the chances of a positive outcome may improve as a result. A program or organization whose client may be facing dire outcomes may take the matter up directly with the local media. Because a local, regional or national coalition may have stronger media contacts, it may make sense to approach the media through a

Media advocacy is essential to the creation of pro-immigrant laws and policies. Press coverage of immigration issues often has a direct impact on immigration law and policy. Most of us form opinions or take actions based on the media's presentation of an issue. Politicians pay particular attention to the media and public opinion in planning their campaign and policy priorities and contemplating their votes. That is why it can be so important to work proactively with the media, to drive the story rather than just react to it.

### Attract Clients

Media can be a form of advertising for your program's services. When your program's staff members are quoted in the newspaper or interviewed on local television or radio, you instantly become an "expert." Elected officials and high level agency officials are more likely to meet with you after reading newspaper clippings quoting you, or seeing and hearing you on air. But policy makers are not the only ones reading articles and listening to discussion about immigration. Prospective clients are too. After reading your name in the newspapers or seeing you on television, they are more likely to call your program for assistance.

### A Word of Caution

Notwithstanding all the possible positive uses of the media, it takes substantial time and effort to manage positive media outcomes. Not all immigration legal services programs have adequate resources available to devote to this effort. If you are not in a position to commit to proactive media outreach, join or develop strong working relations with a local or regional immigration coalition or a AILA chapter. They can help you manage the media minefield when and if your organization or a client of yours becomes the subject of (often negative) media attention. Also ensure that you develop basic policies and procedures for handling any media contact you have. This can decrease the likelihood that the coverage will be negative. Remember that even if you are not proactively cultivating the media, the media will likely find you and you will be forced to react. The situation you will be asked to comment on will likely be contentious or controversial and you will need to react fast.

Below you will find two sets of practice tips: tips for working pro-actively with the media and tips for dealing with the media in a crisis situation.

### **Tips for Working Proactively with the Media**

Many wonder how they can become media advocates. The simplest way is to reach out to the print and broadcast media. This kind of approach is more likely to be undertaken at the organizational rather than programmatic level.

### Learn Which Reporters Cover Immigration

The first step in reaching out to your local media is determining which reporters in your area cover immigration. If possible, create a media contact list, gathering names and contacts from scanning news media websites, media associations' resources, or general directories of media contacts, such as

### *DON'T Put Your Client At Risk Just to Get Good Media Attention*

An immigration legal services program, "ISP" (not its real name) had a long history of helping newcomers obtain immigration benefits like green cards and work permits. Immigration and Customs Enforcement (ICE) had conducted a raid in the community recently. A local television station approached ISP and asked if one of their clients would be willing to be interviewed about the raids. ISP arranged for the client to be interviewed and his story was featured on local television. The client movingly described the injustices he was subjected to as an undocumented laborer and his fear of living in the shadows.

Unfortunately, the client gave enough identifying information that it was easy for ICE to act on an anonymous tip and pick him up at home the next day. He was on an airplane back to his home country one day after the interview. ISP was mortified by all this as they had not warned the client in detail about this possibility nor worked with the reporter to offer some anonymity to the client.

*Bacon's*. It may also be worthwhile to ask other advocates for their media lists. Make sure to update the list regularly since media workers tend to switch jobs frequently.

### Get to Know Your Local Media

Once you have created a list of your local media outlets, the next step is getting to know members of your local media. Getting acquainted is important because reporters tend to quote people they know and trust. The easiest way to get to know your local media is to call them. Always ask if it is a good time to talk before starting a conversation. If it is, introduce yourself and explain that you would like to schedule a time to discuss immigration matters. Use the meeting as an opportunity to start a dialogue with the reporter, not to lecture him or her. Discuss generally what your organization does, what some of the current outstanding immigration issues are, and ask if they have any questions about immigration. At the end of the meeting, give the reporter your business card and a packet of pertinent materials.

If you want to impact a newspaper's editorial outlook, or gain more access to its editorial pages (i.e. writing op-eds), set up meetings with the local editorial board. Simply contact them and explain why you are calling. They are usually responsive.

### Develop Your Own Media Outreach Infrastructure

Make sure to develop the organizational capacity to conduct active outreach, respond to media contact, and track both forms of activity. This requires deciding who does what in given media interaction scenarios. Your organization should have a clear protocol and proper paperwork for media work, including a clear policy for handling press inquiries, a permission form for public use of individual cases, an intake form for tracking press inquiries, and a system for designating and training immigrant spokespeople.

Several organizations have developed such resources. They can serve as useful models. The following examples are included as attachments:

- Lutheran Immigration and Refugee Service's "Sample Guidelines for Communication and Public Relations" (page 139) establish a protocol for media calls into their offices. The guidelines identify the Executive Director as the key media liaison.
- The National Immigrant Justice Center's "Media and Communications Memorandum: What to Do and Say When you are Contacted by the Media" (page 140) lays out a clear policy for employees' interactions with the media.
- The National Immigrant Justice Center's "Consent to be Interviewed by the Media" (page 142) is used to secure a client's consent to be interviewed. These forms can be helpful in responding to the inevitable media inquiries looking for immigrant stories.

### Explain Immigration to Your Local Media

Most reporters do not cover immigration on a regular basis and are not attorneys. Your goal is to become a resource on immigration stories for local reporters. If your organization has a website, consider strengthening your web presence by offering special web pages just for the media, offer to send press contacts short and basic information materials, and contact writers and broadcasters who cover immigration to offer positive or critical feedback about a particular story on immigration.

Another way you can make yourself invaluable to the press is to sponsor a seminar for the media on immigration law basics, or other media-targeted information sessions. In deciding whether to host such a seminar, call your local press contacts and ask if they would be interested in attending an immigration basics seminar. Remember that most reporters did not attend law school. Do not use legal jargon in your presentation—use everyday English.

### After the Story: Follow-up with Media

After a story is published or a report aired, follow up with a note to the reporter you worked with. Take note of and possibly respond to the quality of coverage, as well. Do not be afraid to be critical, but be constructive. Also, make sure to contact the person you worked with on a story if there are any important updates. Sometimes updates can be newsworthy and lead to more coverage.

### Media Training and Resources

If you believe you will have a lot of media contact, consider having key staff members attend media training, which may be available through local or state coalitions or national organizations such as AILA and the National Immigration Forum. These organizations often have press kits and press releases to use as models, and communications directors who can share their experiences with you.

- American Immigration Lawyers Association: [www.aila.org](http://www.aila.org)
- National Immigration Forum: [www.immigrationforum.org](http://www.immigrationforum.org)
- The SPIN Project (Strategic Press Information Network): [www.spinproject.org](http://www.spinproject.org)
- *Spin Works: A Media Guidebook for Communicating Values and Shaping Opinion* by Robert Bray. Independent Media Institute, 2002.
- *The Jossey-Bass Guide to Strategic Communications for Nonprofits* by Kathy Bonk, Henry Griggs and Emily Tynes. Jossey-Bass, 1999. The book presents how to work with immigrant families willing to do media interviews.

### **Tips for Handling a Media Crisis**

You should have a plan in place for dealing with a media crisis or a press inquiry. Given how contentious the immigration debate is, and the rapid demographic changes taking place in local communities, it is very likely that your organization, program or client may be drawn into a controversial story. Among the many possible scenarios: the Minutemen could come to town; there could be a workplace raid; one of your clients could commit a high profile crime; your office could be deluged with clients who camp out outside your premises; local law enforcement officials could be drawn into becoming federal immigration law enforcers; or day laborers could be attacked. It is very important to have a media plan in place before such events occur.

Suggestions for planning for a media crisis:

- Have a media protocol in place in your program or organization on how to handle media inquiries. Make sure everyone on your staff is familiar with it.
- Assemble a team of community partners to respond together to any such crisis or community event. Allocate roles and responsibilities and develop a plan of action so you work together, rather than at cross purposes when a crisis hits.
- If possible, make contact with communications directors at larger advocacy organizations. They often get involved in local matters that can resonate on a larger stage. Have a short list of key names to call in an emergency.
- Familiarize yourself with some online resources that may be available to deal with specific types of crises. For example, the American Friends Service Committee has assembled a number of resources on its website for dealing with immigration workplace raids. They feature materials prepared by Casa of Maryland, the National Immigration Law Center, Detention Watch Network and the National Immigration Project. See

[www.afsc.org/immigrants-rights/news/raids\\_resources.htm](http://www.afsc.org/immigrants-rights/news/raids_resources.htm). Similar types of resources may exist for different issue areas.

- Have a seasoned public relations person on your board or cultivate a sympathetic public relations person as an informal advisor. Get some advice.

Here are some suggestions for minimizing your exposure once you are contacted for a response:

- When an inquiry does come in, do not answer right away. Take down the reporter's information and deadline and do not speak "on the record." Follow your media inquiry protocol. Refer the call immediately to your designated media point-person. As appropriate, take time to collect facts and determine if there are sensitive issues at stake. Talk to your colleagues, and consult with other organizations you trust. You may need to work fast, particularly if there is a tight deadline involved.
- Consult with your local "crisis response team." Develop a coordinated response using the crisis management plan you developed together. Do not act alone and do not act in haste.

## ATTACHMENTS

### SAMPLE GUIDELINES FOR COMMUNICATION AND PUBLIC RELATIONS

#### Outgoing Contact

- The executive director shall review all press releases and other contact with the media and general public to ensure materials are consistent with the mission and policy positions of the agency. *(In programs with a parent agency, this function can be delegated to a director of communications. Please consult your organization.)*
- In the absence of the Executive Director this review will be conducted by designated personnel.
- Under no circumstances shall any staff person or volunteer initiate contact with the media as a representative of the organization without prior review.

#### Contact from the Media

- The executive director will serve as the media spokesperson.
- All inquires or requests from the media shall immediately be referred to the executive director, communications director, or other designated personnel, who will then determine the best spokesperson to respond to the particular inquiry. There may be circumstances where a board member or staff person with specific expertise may be asked to represent the organization.

**\*\*No staff person or volunteer may respond to a media contact with comments whether written, audio-taped or video-taped without prior approval through the above me**

**MEDIA AND COMMUNICATIONS MEMORANDUM:  
WHAT DO DO AND SAY WHEN YOU ARE CONTACTED BY THE MEDIA**

**TO:** ALL NIJC STAFF  
**FROM:** PUBLIC AFFAIRS OFFICER / PROGRAM DIRECTOR  
**SUBJECT:** MEDIA AND COMMUNICATIONS STRATEGY  
**DATE:** OCTOBER 11, 2006

### **HOW TO HANDLE PRESS CALLS**

If a reporter calls you directly, before speaking with them “on the record,” please request the following information or pass the call to the Public Affairs Officer, then request to call them back:

- Reporter’s name
- News Outlet
- Topic of Inquiry
- Deadline
- Contact Information

It is important that you tell the reporter that anything you say at this point is “off the record.” In most cases, it is better to not say anything substantial to the reporter before informing the Public Affairs Officer of the interview. This will ensure coordinated and consistent handling of media calls and messages, especially because reporters will often call several staff people on the same topic. It will also give us the chance to consider any sensitive issues that may come up during an interview, for which we want to be prepared. Finally, it will help us keep track of how often we talk to/appear in the media, which is important for internal and funding reporting.

The Public Affairs Officer will gather more information about the news outlet, reporter, and topic, then contact the Director.

Consultation will then immediately occur with appropriate program person(s) and other relevant parties.

The Public Affairs Officer will set up a call with the reporter and appropriate respondents. The Director may participate in the call, if appropriate.

All press calls should be returned and handled *promptly*.

The Public Affairs Officer will then follow-up with reporters to ensure they received the information they need and track its publication/broadcast.

### **WHAT TO SAY**

Once an “on the record” interview has been set up, you may find it useful to use the following three-part structure for media communication:

1. Frame the problem: think about the five questions: WHAT is the story, WHO does it effect/involve, WHO is the audience, WHERE and WHEN did it happen/is it relevant, and perhaps most importantly, WHY is it important?
2. Illustrate the problem—reporters inevitably want to talk to clients to get the “human face” for their stories. Think in advance of clients who are in a safe and stable position in their lives, are eloquent, and preferably speak English, who would be willing to talk to the press generally, and in response to specific issues/media inquiries. Make sure the client has consented to speak with the press before using their name or story.

3. Make the “ask”—what is the solution? This can be both a short-term solution (e.g., Congress should oppose this bill) and a long-term solution (e.g., we need comprehensive reform to fix our broken immigration system).

After getting an inquiry from a reporter and before calling him/her back, you may want to write down some notes using this basic structure. Break down the problem, examples, and solutions into sub-points and **STICK TO THEM**. Do not ramble. When asked questions, refer back to your outline and your basic points and sub-points so that throughout the interview you are clear and consistent—better to be redundant with the same message than tangential and unclear.

### WHEN YOU DO MEDIA OUTREACH

All media outreach should be coordinated through the Public Affairs Officer or Director

All staff are encouraged to provide suggestions, ideas, and drafts for letters to the editor, press releases, press advisories, press briefings, etc.—you work with the clients and see the issues as they emerge, so it's up to you to bring problems that you think deserve wide media coverage.

\*\*\* We plan to start designating a few minutes in each Department Meeting for program staff to mention upcoming events/cases/issues that could make interesting media stories. The Public Affairs Officer will then work with program staff to create press releases, OpEds and/or other media materials that will help raise awareness on the specific immigration issue and NIJC. \*\*\*

### WHEN TO GO TO THE MEDIA

1. Always have a “hook”
  - Compelling cases that highlight access to justice issues, due process issues, integration issues, basic rights (education, work, etc.), and reflect of or impacts a large group.
  - Impact litigation
  - Pending legislation
  
2. When to go: Time your media outreach around important deadlines, events, anniversaries, etc, such as:
  - Case filing
  - Issuance of decision on compelling case
  - Bill introduction/hearing/vote
  - United Nations Human Rights Day/International Women’s Day, etc.
  - Trainings, rallies, etc., that highlight an issue and which reporters can attend. Even if these don’t seem like a big deal to you, they could be an interesting opportunity for the local papers to report on issues that are new to their communities, thereby raising public awareness.

### MEDIA CHECKLIST

1. Why is the case/issue/legislation/etc. appropriate for media exposure?
4. Has the client consented to speaking with the media and/or using his case?
5. WHAT is the story, WHO does it affect/involve, WHO is the audience, WHERE and WHEN did it happen/is it relevant, and perhaps most importantly, WHY is it important?
6. What media would provide the most direct access to the desired audience (for example, national v. suburban newspapers; mainstream publications v. legal newsmagazines or other ; NPR v. Spanish radio; etc.)?

**CONSENT TO BE INTERVIEWED BY THE MEDIA**

I, \_\_\_\_\_, agree to release information regarding my case to the media. I understand that the information disclosed will no longer be confidential and may be disclosed to the public. If I am eligible for relief, my NIJC attorney will be present at my interview. If I am not eligible for relief, no NIJC attorney or representative needs to be present for any media interviews, however, I can request that my NIJC attorney or representative be present.

I understand that I am not obligated to sign this release. I also understand that my identity will be kept confidential. Failure to sign this release will not result in any penalty. I also understand that I can withdraw this consent at any time.

This release shall remain in effect for one year from the date of signature or the duration of NIJC's legal representation, whichever occurs earlier.

The contents of this release have been fully explained to me in a language that I understand.

Client: \_\_\_\_\_

Custodian (if child is under 14): \_\_\_\_\_

NIJC Representative: \_\_\_\_\_