



**CATHOLIC LEGAL  
IMMIGRATION  
NETWORK, INC.**

**Responding to COVID-19 from the  
Immigration Legal Services Perspective**

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### Presenters

- Anna Gallagher, Executive Director
- Jill Marie Bussey, Advocacy Director
- Jeff Chenoweth, Director of Capacity Building
- Reena Arya, Senior Attorney, Training and Legal Support
- Whitney Kweskin, New American Pathways




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### Today's Agenda

- What is the government telling us so far?
- Overview of resources and program models
- Practice Pointers and Tips
- CLINIC's advocacy and outreach
- What challenges are you facing?
- Q&A




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### CLINIC Stands With You

- Trainings - <https://cliniclegal.org/training/calendar>
- Ask the Experts - <https://cliniclegal.org/find-legal-help/ask-experts>
- Advocacy Team – [advocacy@cliniclegal.org](mailto:advocacy@cliniclegal.org)
- Field Support Coordinators - <https://cliniclegal.org/find-legal-help/affiliates/portal>
- Religious Immigration Services
- Web resources: [www.cliniclegal.org](http://www.cliniclegal.org)



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### What Do We Know So Far?

- Operational Status Updates for Key Agencies
  - USCIS
  - DHS Office of the CIS Ombudsman
  - State Department
  - EOIR
  - ICE



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### Operational Status: USCIS

- USCIS is accepting new applications and petitions
- USCIS will temporarily accept reproduced original signatures as of 3/21/2020
- All in-person services are suspended, including interviews, biometrics, and infopass
  - Emergency services are still available through the USCIS contact center
- USCIS updated its Public Charge Webpage with info about how it will consider COVID-19-related health issues



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### Operational Status: CIS Ombudsman

- The Office of the CIS Ombudsman remains open and continues to respond to case assistance requests. For more information about requesting assistance, check out CLINIC’s resources at this link: <https://bit.ly/2wCf1SU>



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### Operational Status: DOS

- Consulates
  - State has suspended visa services abroad in most countries worldwide
  - Urgent and emergency visa services may still be available
- National Visa Center
  - Operating as normal
  - CEAC is experiencing unrelated technical difficulties, which are being repaired



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### Operational Status: EOIR

- Immigration Courts
  - Postponed all non-detained cases scheduled between March 18 and April 10
  - Encouraging resolution of cases through written pleadings, stipulations and joint motions
  - EOIR reminds immigration judges of their authority to waive the appearance of represented respondents
- OLAP
  - No changes affecting Recognition and Accreditation
  - LOP providers should review updated ICE guidance



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### Operational Status: ICE

- Reported that it “will temporarily adjust its enforcement posture” to focus on public safety risks & those subject to mandatory detention based on criminal grounds.
- Sensitive Locations Policy still in place - enforcement should not occur at medical facilities
- Those with scheduled check-ins should contact their field office before attending



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### Operational Status: ICE

- Will temporarily permit filing of Forms I-246 through the mail with money orders, certified funds, or requests for fee waivers only
- Social visitation in all detention facilities temporarily suspended. Non-contact legal visitation, to include the Legal Orientation Program, will continue
- ICE and DHS announced flexibility in E-verify compliance



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### Poll #1

- Is your program working remotely and successfully serving clients in filing applications to USCIS and/or EOIR?
  - Yes
  - No
  - Only in a few cases



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### Poll #2

- What types of cases is your program currently working on?
  - Only open cases
  - Open and new cases
  - No cases



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### Service Delivery Models, Options, and Issues

- Option 1 – Roles may remain the same but with remote policies and procedures in place; or
- Option 2 - Newly assigned Office Manager who might have been a legal representative now managing systems and coordinating with one or more reps.
- Option 3 - Legal Director managing fewer cases and focusing on gov't policies, agency policies, compliance, legal ethics, quality control and public relations.



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### Models, cont'd

- Many affiliates are seeing only open cases and not accepting new ones for now, maybe later
- Virtual walk-ins using an app to identify new cases that fit your new case selection policy
- Limited service Client Agreements with no G-28
- 100% eligible, 100% ready, 100% paid procedure for many administrative cases
- Public education on radio, webinars and videoconferencing



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### Technology Options

- Virtual Private Network (VPN)
- Web-based case management/client database
- Intra-office messaging systems
- Shared, open calendars
- Videoconferencing platforms
- Portable printers and scanners
- Apps for document and signature scans
- Apps for online payment methods
- Voice mail delivery to your email or cell phone as a text and web-based voice systems




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### Issues

- Staying safe for your benefit and others
- Knowing legal duties per state bar Code of Professional Ethics
- Attending to Client Agreement, communication with clients, record keeping, and filing deadlines
- Keeping up-to-date with changing federal actions for administrative and court cases




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### Issues, cont'd

- Notifying clients, inquirers and public – updated door message, website, phone messages, emails and referral sources
- Securing databases and conferencing platforms
- Picking up mail from clients and government
- Scanning, uploading and recording docs received
- Sharing documents and signatures




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### Issues, cont'd

- Accepting and recording of payment options
- Remote file review procedures before submitting
- Funder expectations for deliverables – seeking change in outcomes and deadlines
- Leadership understanding of ongoing legal duties and loss of revenue to meet budget
- Seeking donations to off-set loss of client fees



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### Interview with Whitney Kweskin

- Immigration Services Manager
- New American Pathways (NAP) in Atlanta
- 2.5 FTE for legal services in a 60+ staff agency serving the foreign-born
- NAP closed its offices on March 12
- NAP's remote work plan on CLINIC's website



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### Questions for Whitney

- Why did you begin using remote work methods even before COVID-19?
- Take us through the main steps of an open cases being managed remotely, including technology – screening, intake, client agreement, payment sharing documents, forms completion with signatures, quality review, filing, G-28s, notices, case maintenance, case closure, etc.



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### Questions for Whitney

- How do clients react to your remote methods?
- What challenges did you overcome and how?
- What is yet to be resolved in your model?
- What advice do you have for relatively small programs like yours?




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### Things to be mindful of...

- Age outs (I130s, CSPA one year filing requirement)
- Asylum one year filing deadline
- SIJS age outs (what if you need a predicate order before age out?)
- I751 deadline to remove conditions
- Filing a U status application after a law enforcement certification issued




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### Things to be mindful of...

- Unlawful presence accrual for expiring non immigrant visas
- Age outs for the I929, or person who applies to adjust but not within a year of priority date being current.
- filing VAWA within 2 years of divorce
- Filing the I360 within 2 years of death
- Filing adjustment for T and U visas before visas expire (file extensions and use COVID 19/Social distancing as the reason).

**This List is Not Exhaustive**




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### Public Charge

- Public Charge Inadmissibility
  - Use of Medicaid for COVID-19 testing, preventative care and treatment (possible vaccine) will not count for public charge purposes, but any other use of Medicaid will still count
- Totality of the Circumstances Test
  - Can submit a statement about how circumstances of COVID 19 would affect the PC determination if public benefits are used.




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### HYPQ

- Cecelia, spouse of USC Joe, applied for adjustment of status on February 28, 2020. Her application is pending and she now calls to tell you that she was laid off from her job two weeks ago because of covid-19 and she's not sure that she'll get her job back because her employer is likely to go out of business. She can't pay her credit card bill this month and she also had to drop out of her GED class because the school isn't currently able to offer the course online. She wants your advice on how this will affect her application. She also wants to know if she can get tested if she needs to without affecting her case.




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### RFE/NOIDS

- No guidance from USCIS
- Advocacy ongoing at this time
- TIPS
  - ALWAYS ask for an extension
  - Try to file what you have
  - File motions to reopen/reconsider for denials using COVID 19 as change circumstances, new evidence etc.
  - (a) keeping abreast of developments in case there is a general extension applicable to RFE deadlines and (b) if not, can ask for extension in case or re-issuance of RFE in alternative




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## Signatures

- USCIS Policy on Signatures
  - Will accept all benefit forms and documents with reproduced original signatures from March 21, 2020 and beyond.
  - Scanned, faxed, photocopied or ‘similarly reproduced’ (think Whatsapp, photos of document)
- No Scanner?
  - How to scan documents on your iPhone, iPad, or iPod touch using the Notes app.  
<https://support.apple.com/en-us/HT210336>



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## Photos

- Photo options
  - USCIS “All other instructions remain the same.” ➡
  - Options for photos:
  - Passport Photo App -  
<https://apps.apple.com/md/app/passport-photo/id759142884>
  - Print photos
  - Mail.



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## Client Communication

- Biggest Challenge when deadlines approach during this time.
  - Make contact with clients at the outset so you know how to get a hold of them.
  - Document address changes
- Tips:
  - Document steps in communication
  - Document office closures/remote work/regional requirements to ‘shelter in place.’
  - Only send someone to check/scan mail if safe to do so.



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**CLINIC's Advocacy and Outreach to the Government**

- CLINIC COVID-19 resource page: [cliniclegal.org/covid-19](http://cliniclegal.org/covid-19)
- Submitted multiple recommendation letters to agencies:
  - DHS: Removing Barriers to Care
  - USCIS: Rees for communication, safety & protecting rights
  - EOIR: Request to Suspend NPRM
  - Joined other leaders in sign-on efforts
    - Close Immigration Courts
    - Stop Border Expulsions
    - Promote Remote Options for Detained Meetings and Hearings
- REMINDER: EOIR Proposed Fee Increases – Template Comment Available. Comments Due March 30



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**What Challenges are You Facing?**



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**Resources**

- <https://cliniclegal.org/covid-19>
- <https://www.robinhood.org/rh-relief-effort-resources>



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Q & A



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