



Frequently Asked Questions: Starting an Immigration Legal Services Program

Oct. 30, 2024

This frequently asked questions document presents general considerations for starting an immigration legal services (ILS) program and offers a non-exhaustive checklist for those deciding whether this is the right move for their organization. Since starting an ILS program involves starting a law practice, it is essential that an organization assess its readiness to provide immigration legal services in a legal and ethical manner. Failure to set up a law practice properly can pose serious liability risks to the organization and could harm clients in their cases, resulting in denial of immigration benefits, detention, and/or deportation.

What should an organization consider when deciding to start an ILS program?

- Is there an existing need in the community that current ILS providers are not meeting?
- Is there support for the ILS program by other nonprofit organizations in the community?
- Do immigration legal services fit within the organization's mission, vision, and scope?
- Does the organization's board, affected staff, and senior leadership all understand the complexities of providing immigration legal services and managing a law practice?
- Do the organization's board, affected staff, and senior leadership support providing immigration legal services and starting a law practice?
- Does the organization have the staff capacity and adequate funding or a fundraising plan to start an immigration legal services program?

What systems and structures should an ILS program have in place before starting to provide services?

We recommend the following at the very minimum:

- Business and strategic plans to outline how ILS services will be started and sustained.
- Authorization to practice immigration law either through an experienced immigration attorney or through Department of Justice Recognition and Accreditation (DOJ R&A).
- Policies and procedures manual to guide ILS staff, contractors, and volunteers.
- Legal case management system to manage immigration legal cases.
- Training on immigration program management, case management, and legal ethics.
- Training on immigration law (broad overview as well as specific planned practice areas).
- Supervision and quality control plans for how ILS staff will be supervised to ensure they are engaged in high quality ethical practice of immigration law.
- Sufficient space, equipment, and tools for staff to effectively provide ILS.
- Community partnerships with stakeholders in the community (e.g., other ILS providers, other nonprofit organizations, relevant government agencies, local funders).
- Professional liability and malpractice insurance to cover staff and contractors/volunteers.

CLINIC staff members Shaila Rahman and Helen Chen authored this FAQ.

For more information on starting and sustaining a program, click [here](#) for more resources.

How can my organization obtain DOJ R&A?

To obtain DOJ R&A, an organization must apply for recognition and the non-attorney staff and/or volunteer must apply for accreditation. To meet the requirements for **Organizational Recognition, the organization** must:

- Be a nonprofit religious, charitable, social service, or similar organization.
- Have federal tax-exempt status.
- Provide immigration legal services primarily to low-income/indigent clients in the United States.
- Have access to adequate knowledge, information, and experience in immigration law.
- Be simultaneously applying for at least one employee or volunteer to be accredited and must maintain at least one accredited representative on staff.
- Designate an authorized officer to act on its behalf.

There are two types of accreditation an individual could pursue. Partial accreditation allows individuals to represent clients before the Department of Homeland Security (DHS) only and full accreditation allows individuals to represent clients before both DHS and the Executive Office for Immigration Review (EOIR). To meet the requirements for **partial accreditation**, the **staff and/or volunteer** must:

- Be an employee or volunteer of a recognized organization or an organization that is applying for recognition.
- Have the character and fitness to represent clients.
- Have broad knowledge and adequate experience in immigration law and procedure.
- Not be an attorney who is eligible to practice law in the United States or a U.S. territory, commonwealth, or possession.
- Not have resigned while a disciplinary investigation or proceeding is pending.
- Not be subject to any order disbaring, suspending, enjoining, restraining, or otherwise restricting him/her in the practice of law or representation before a court or any administrative agency.
- Not have been convicted of a serious crime anywhere in the world.

If the staff and/or volunteer is pursuing **full accreditation**, they must meet the requirements for partial accreditation in addition to demonstrating that they possess litigation skills. For more information about DOJ R&A eligibility requirements and application process, please refer to the [DOJ R&A Toolkit](#) available on the CLINIC website.

How long does the process take to obtain DOJ R&A?

It can take as little as six months to obtain DOJ R&A but could take one year or more because the process requires that accreditation applicants gain sufficient training and hands-on experience and mentorship in immigration law before submitting an application. In addition, DOJ sometimes experiences adjudication backlogs, which delays the processing of DOJ R&A applications. Note that DOJ R&A is a program administered and governed by the DOJ. CLINIC does not administer the DOJ R&A process, nor does CLINIC adjudicate DOJ R&A applications, so CLINIC cannot control the timing or outcome of DOJ R&A application decisions.

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