Why the Least Expensive Option is Not Always the Best Choice

The following story is based on the experiences of several nonprofit immigration agencies:

“ACE Immigration Services” bought a low-cost immigration software package ($199 special nonprofit rate!) about seven years ago. The agency has been happy with its ability to print out beautifully formatted immigration forms. And every ACE staffer makes a point of entering the client into the system. However, that is about as far as it goes for using the software. Staff complain that it is too difficult to learn how to utilize the case management functions and that they do not always work.

An ACE counselor received a notice from USCIS that his client had been denied an extension of her employment visa. The counselor was busy that day and decided to wait until the following week to contact the client. He did not put a reminder in the immigration software. After a week, the notice was at the bottom of a pile of papers on the counselor’s desk and he had forgotten all about it. His client remained in the U.S. for another year and several months, until her mother fell gravely ill and she wanted to go home to visit her. She came to the ACE office to inquire about the status of her case. The counselor was mortified to have to tell her that, because of his error, she had overstayed her status for more than a year. She had accumulated more than a year of unlawful status. Therefore, if she left the U.S. to visit her dying mother, she would activate a ten-year bar to permanent immigration. She had no one to qualify as a relative to get a waiver of the 10-year bar.

ACE decided to get more expensive software that comes with solid training and technical support. And the staff made a commitment to learn and use the software faithfully, realizing they had been penny-wise and pound-foolish in their choice of immigration case management software.

Case Management Technology

No immigration legal program should operate without case management technology. Used well, it allows programs to operate far more efficiently and accurately; makes missed deadlines and inaccuracies much less likely; allows program managers to easily track client data; and makes it much easier to track finances. A good case management program is one of the most important investments you can make in your program.

Electronic case management systems are much more than “forms-generating” programs. Case management technology should be integrated into almost all aspects of case management; see Chapter Five for a complete discussion of case management. An electronic case management system enhances case management: it can remind staff of important deadlines; provide a central location for case notes; and save client data, leading to greater staff efficiency and reducing the likelihood of errors. Some case management software can provide up-to-date federal immigration forms within twenty-four hours of issuance, provide electronic forms which automatically populate common information into forms of a same application, provide a back-up to hard-copy files, and e-file completed forms to USCIS. For program managers, it can track data, produce a wide range of reports, facilitate mass mailings to clients about new immigration benefits or deadlines, and facilitate billing. Strong case management technology helps agencies provide top-notch professional service to their clients.

There are many immigration case management systems on the market; you will need to choose the best one for your immigration legal program. The most important consideration in choosing a system is to find one that your agency will actually use. A system is only as good as the use that is made of it. If the system is used solely for form-filling, it is not doing the agency much good.

Software vs. Internet-Based
There are two basic types of case management systems: software that lives on your own computer system, and web-based systems that save your data remotely. With software, you save all the data on your own computer server. Web-based programs save all the data on their own servers. There are pros and cons to each model. An internet-based system, for example, allows easier remote access to data, but you will need to ensure that the system’s security is adequate. Please see attached list, “Immigration Case Management Software,” at the end of this chapter, along with selection criteria we explore below.

**Electronic Files versus Hard-Copy Files**

Due to developments in software, it is now possible to have case files kept solely electronically. While this does present the advantage of not having multiple file cabinets cluttering the office, electronic case files present their own challenges and security concerns.

First, electronic files present a confidentially concern, especially when these case files are saved on an agency’s server. Rarely are limitations in place stringent enough to completely limit access to immigration files by non-immigration legal staff. In addition, provisions would need to be made to recover the files if the server crashed or if the person with access to the files was unavailable for a long or permanent period of time.

Next, the government has not completely developed a paperless application system. Thus it is hard to know what a paperless system will require once created.

Finally, as a program grows, it will need a strict, clear, and enforceable procedure on how and what things are scanned, how case notes are recorded and how files are to be kept secure. The server may not be able to handle additional case managers’ work, let alone the cumulative average of years of current files plus those of additional employees.

**Considerations in Choosing Software**

**Features of the System**

What are the system’s functions? Does it have the ability to:

- Record case notes easily?
- Track billing?
- Track client dates and deadlines? Does this “tickler” system have alerts and reminders?
- Have a calendar function? How dynamic is the calendar?
- Generate reports? What type? How easy is it to produce customized reports?
- Identify the petitioner, beneficiary, and derivatives on the same case? Your system should help your staff easily match the petitioner with the beneficiary and derivatives throughout the case.
- Perform conflicts checks (see “Conflicts of Interest” section under “Case Selection” in Chapter Five)

**Ease of Use**

- How easy will this program be for your own staff to use? Knowing your staff’s technological capabilities, is this program a good fit for your employees?

**Training**

- Does the company provide training along with the system?
- How extensive is the training?
- Will they provide it for you on-site, or will they provide it from a remote location via the phone and/or internet?
- Approximately how much training time will they provide?
- Will they train each staff member individually, or everyone in a group?
- Does the training cost extra?
Technical Support

- Does the company provide ongoing technical support? Ongoing support is crucial. Without technical support, a program is not worth having.
- How much does the technical support cost? Is it built into the cost of the program?
- How can you access technical support? Telephone? Email? Both?
- What’s the procedure for getting assistance—can you speak to a live person, or do you leave a message and wait to hear back?
- Approximately how long does it take your company to respond to technical assistance questions?
- Will your agency need internal IT staff support, or will you need outside IT consultants to install and run this system?

E-filing and Remote Access

- Does the system permit e-filing with USCIS?
- Can users access the system from remote locations (i.e. from outside the office)?

Cost

- How does the company bill for this system?
- What are the costs, if any, of licenses for users?
- What is included in the cost?

Security Controls

Physical and technological security:
- Does the program use encryption?
- What are the backup and retrieval procedures?
- Where is the server located? Is there a backup server at a different location? Is there adequate security protocol limiting access to the servers?
- What security procedures are being used to ensure the integrity and privacy of stored information?

Access security:
- Who controls user access?
- Who are the users? Have they been sufficiently trained and sensitized to security precaution?
- Does the organization have adequate personnel policies and practices to ensure integrity of the system and stored information?

Once you have researched various options and narrowed down your choices, it is a good idea to speak to immigration legal providers who use these systems. Find out what their real-life experiences have been: what they like and dislike about their systems. If you are part of a network, your network will be a good place to find providers to talk to. If you are not part of a network, try contacting other agencies in your area. You can also ask the company itself for customer references; make sure to let them know you want to speak to nonprofit agencies.

Law Library

Every immigration legal program must have a library of immigration research materials. There are many materials available online, but note that you will need at least some materials in printed book form. Keep in mind that because immigration law changes constantly, some resources will need to be purchased each year. There is no way around this; reliance on an outdated copy of the Immigration and Nationality Act could have disastrous consequences for a client—and for your agency, which might be liable for malpractice.