



CATHOLIC LEGAL
IMMIGRATION
NETWORK, INC.

Preparing for
**Comprehensive
Immigration Reform:**
An Earned Pathway to
Citizenship and Beyond

**A MANUAL FOR
IMMIGRATION
LEGAL SERVICES
PROVIDERS**

2013

Preparing for Comprehensive Immigration Reform: An Earned Pathway to Citizenship and Beyond

A Manual for Immigration Legal Services Providers



CATHOLIC LEGAL
IMMIGRATION
NETWORK, INC.

Catholic Legal Immigration Network, Inc.

415 Michigan Ave., NE Suite 200, Washington, DC 20017

202.635.2556 202.635.2649 fax

www.cliniclegal.org

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Introduction

An estimated 11 million or more undocumented people reside in the United States. When comprehensive immigration reform (CIR) passes, a large number of these people will seek assistance at nonprofit legal service organizations. The Catholic Legal Immigration Network, Inc. (CLINIC) currently has more than 215 member organizations in over 300 locations. CLINIC and other nonprofit immigration service networks must be prepared to meet the huge increase in demand for their services.

This manual offers recommendations from “veterans” of the 1986 Immigration Reform and Control Act (IRCA) and current nonprofit immigration experts. It was written to help charitable immigration agencies increase program capacity and prepare for a large-scale CIR program. Its recommendations are offered to spur thinking and planning by these agencies as a “one-size-fits-all” approach cannot succeed because agencies’ needs and circumstances vary. It is not an overview of any particular piece of legislation and does not reflect the full scope of what a comprehensive immigration reform law might entail. Rather, it focuses on the provision of a law that would legalize the status of the undocumented. It is hoped that the manual will enable agencies to develop the policies and practices that are best suited to the circumstances of their programs and communities. The manual begins with a summary of

recommendations. It then provides an extensive narrative that elaborates on these recommendations. Initially published in 2006 and again in 2010, the manual has been revised and updated to reflect the challenges and opportunities facing charitable immigration programs today.

This manual is not intended to be used to create immigration legal service programs. For those interested in learning about how to start and manage an immigration legal service program, please refer to CLINIC’s *Starting an Immigration Legal Program: Capacity Building in a Charitable Community Agency and Managing an Immigration Program: Steps for Creating and Increasing Legal Capacity*, a comprehensive management manual that may be downloaded from CLINIC’s website at www.cliniclegal.org/resources.

Summary of Recommendations

Before the law passes, what should you do to prepare for CIR?

- ❑ **Make a conscious decision to start preparing now.** Obtain the buy-in of agency leadership, identify a point of contact to promote the program at all agency levels, anticipate future challenges, reach out to local partners to create a steering or advisory committee, and research immigration demographic reports to determine the undocumented population in your area.
- ❑ **Ensure that your organization has strong internal systems and that staff complies with them.** It will be easier to adapt strong systems to a new CIR program.
- ❑ **Determine how you will use volunteers.** Establish a volunteer coordinator position, recruit and train volunteers, and establish volunteer programs with key partners in your community.
- ❑ **Establish your office as the source for accurate and truthful information.** Develop trust with the community by providing accurate information on current issues of importance and education on meeting possible requirements in future law under CIR.
- ❑ **Conduct public education about unscrupulous immigration service providers.** Stress that *notarios* and immigration consultants may take advantage of the undocumented, distinguish between reputable immigration attorneys and BIA accredited representatives and those who are unauthorized to practice immigration law, and provide information on how to file complaints against *notarios* and unscrupulous attorneys.
- ❑ **Identify and work with existing networks to reach out to diverse ethnic, socio-economic, and religious groups to provide information to the community.** Networks may include foreign consulates/embassies, media, religious organizations, libraries, and social service agencies meeting the needs of the immigrant community.
- ❑ **Develop relationships now with *pro bono* immigration attorneys.** Refer complicated cases to reputable attorneys, establish a system to receive feedback on referral attorneys, identify attorneys with experience in areas of the law that your office is unfamiliar with, invite reputable attorneys to participate on your Board or Advisory Committee, and recruit attorneys and law firms to volunteer in community workshops and *pro bono* services.
- ❑ **Strengthen your relationship with the local USCIS field office.** Be a professional and zealous advocate in local liaison meetings, develop a reputation for filing well-prepared applications, and distinguish your agency as a leader in the community.
- ❑ **Become an affiliate in CLINIC's network.** Review CLINIC's affiliate benefits for members, subscribers and associates at <http://cliniclegal.org/affiliates> and ask for an application to join the network. Report to CLINIC about practices or trends observed when dealing with the local DHS, receive information essential to effective representation and program management, and receive training and resource materials on the new law.
- ❑ **If applicable, apply now for Board of Immigration Appeals (BIA) recognition for all service locations and BIA accreditation for relevant staff to avoid engaging in the unauthorized practice of law.**
- ❑ **Lobby Congress about the new law's provisions.** Focus your efforts on funding, interpretation and implementation, specific provisions, the implementation period, and public education.
- ❑ **Assess your offices for physical space.** Your agency should have adequate space to provide services for increased clientele, store additional case files, a computer lab, conduct informational sessions and group processing workshops, and offer child care, English as a Second Language classes, and civics courses.

- ❑ **Expand and maximize use of technology.** Review the many technology options available and implement all that are useful prior to CIR passing to broaden your agency's communication efforts and serve more clients with greater efficiency. After the law passes, what should you do to implement a CIR program?
- ❑ **Appoint or hire a CIR Program Director/Coordinator.**
- ❑ **Identify funders and request funding.**
- ❑ **Participate in CLINIC's scheduled communications on implementation issues.** Stay up-to-date on the issues, report to the national agencies on local practices and trends, and communicate and brainstorm with partner agencies.
- ❑ **Recruit and train staff and volunteers in CIR preparation principles, prevailing law and changes in the law.**
- ❑ **Create essential forms.** Forms should include updated case management documents, informational flyers, a hand-out list of documents for prospective clients to gather, forms for listing residences and employment, and warnings about *notarios*.
- ❑ **Identify clients who are 100% eligible and ready to apply for CIR or other immigration benefits available.**
- ❑ **Advocate to the national and local DHS to ensure positive and generous implementation of the law.** Work with CLINIC's Advocacy Division to provide input into the development of the regulations, promote the establishment of an inter-agency working group that will collaborate with community-based organizations in the interpretation and implementation of the law, and assign a point person to the working group.
- ❑ **Establish an office policy on whether your office will continue taking non-CIR cases in addition to CIR cases.** If you decide to take both types, you may need to offer separate programs with different intake days, and allot staff time accordingly.
- ❑ **Decide whether you will provide one-on-one or group processing CIR assistance, or a combination of both, in addition to other service delivery models.** Take into account agency capacity and the immigration legal needs of your community.
- ❑ **Establish an office policy concerning the filing of Form G-28, Notice of Entry of Appearance of Attorney or Representative with an understanding of USCIS disciplinary rule for not filing and exception for group workshops.**
- ❑ **Establish fees for the CIR services your agency will provide.** Remember that CIR applicants must pay DHS fees in addition those charged by your agency. Create fee caps on agency fees for families and a sliding scale and fee waiver process for needy applicants.
- ❑ **Provide informational events in your communities.** Host frequent information sessions in-person and through mass/social media as soon as the law passes, and make sure you have attractive, accurate outreach materials ready for broad distribution.
- ❑ **Provide high quality, efficient, and timely services to prevent people from turning to unscrupulous or incompetent immigration consultants.** Establish systems to process a high volume of cases competently and quickly, and don't let speed compromise quality of service.

Background

In the United States today, there are more than 36 million foreign-born persons, 11 million or more of whom are estimated to be undocumented. These numbers highlight the need for comprehensive immigration reform. They also indicate that the nation's next CIR program will be the most ambitious immigration initiative in its history, putting millions on a path to U.S. citizenship. Such a program will require a full mobilization of pro-immigrant organizations.

At this point, there is significant work to be done to assure the passage of an appropriately broad bill and to prepare immigrant communities and local service providers for such a program. It is extremely important that the lessons learned from the Immigration Reform and Control Act of 1986 (IRCA), and more recently Deferred Action for Childhood Arrivals (DACA), be analyzed, documented, and used to inform the creation of the nation's next CIR program. Given the likelihood of legislation, this effort could not be more timely or necessary.

Definitions

For purposes of this manual, *comprehensive immigration reform (CIR)* will serve as a synonym for *Registered Provisional Immigrant (RPI)* or *legalization*, the process by which undocumented foreign nationals who are living

The nation's next CIR program will be the most ambitious immigration initiative in its history

in the United States can document their legal status and later apply to adjust to lawful permanent residence with a green card and eventually U.S. citizenship. CIR might allow foreign nationals who came to the United States as farmworkers and as youth, so-called DREAMers, to have an accelerated path to citizenship compared to other undocumented individuals. For some or all undocumented categories described above a registration process with criminal background checks, taxes assessed, fines and fees are likely to be required to establish provisional status and receive accompanying benefits such as a tamperproof identification card, work authorization and records for purposes of travel abroad and re-entry to the U.S. The recommendations offered here would apply to these various categories of people and provisions contained within a CIR program.

Leading Up To CIR

A major concern of charitable immigration programs is how to plan for a CIR program that may or may not come to pass, given the high volume of work that such programs already accommodate. There is no easy way to predict what will happen in the legislative process. However, the possibility of legislation to allow an estimated 11 million or more immigrants to qualify for legal status is strong. Early preparation by immigration programs is essential and will help these programs build capacity and visibility even if legislation does not pass in the short-term.

I. MAKE A CONSCIOUS DECISION TO START PREPARING NOW

The most important step you can take is to make an informed decision to prepare for CIR now, while there is still time. To do this, you must anticipate the demands of any potential future legislation, assess agency-wide capacity, and make key decisions. The following action items will allow you to analyze your current organizational capacity and create a framework for developing a strong CIR program.

- ❑ **Buy-in.** Obtain buy-in from agency leadership. If leadership does not support your CIR program, it will go nowhere.
- ❑ **Mission Statement.** Develop a mission statement that enables your program to maintain focus on the services and community to be served over the long term leading to full integration of the immigrant population.
- ❑ **CIR Coordinator.** To promote the program, you should choose a point of contact, or a CIR Coordinator. This person must have the authority to make decisions within your agency regarding CIR. He or she should also be able to advocate for the program to agency leadership and staff and to outside organizations, such as funders, coalition partners, and DHS. The CIR Coordinator should be responsible for communicating with CLINIC on a regular basis on issues including administrative advocacy, information sharing, and CIR training.

The first step is to win support from the organization's key stakeholders and backers.

- ❑ **Case Management.** Evaluate your case management system and forms. Calculate the time it takes staff to handle different case types. This requires looking at statistics on case openings, filings, and closings

Although it is impossible at this time to determine the amount of time it will take to complete a CIR application at the start, it might be comparable to the time it takes to complete an adjustment of status application. Evaluate current caseloads carried by staff members and determine how time could be made available to handle CIR.

- ❑ **Budgeting.** Review your agency's costs for operating an immigration legal service program and determine which line-items must increase with a CIR program. Create draft budgets that cover anticipated revenues and expenses. Additional costs could include salaries for immigration counselors, mailing/ postage, professional liability insurance, volunteer stipends, and benefits like health insurance. There may be other costs for equipment, such as new computers, copiers, and scanning equipment. Whether CIR provides for electronic filing or not, it is wise to expand capacity for e-filing as USCIS makes this option available for various immigration benefits.
- ❑ **Program Structure.** Draft a structure of a CIR program within your agency and present it to leadership for input. The structure should reflect what the parent agency defines successful implementation to be. The discussion should include staff needs, the need for such a program, and the program's impact on the rest of your agency.

Incorporate CIR into your agency's development plan for the upcoming year, including prioritization of funding for the program, amount of time required to prepare a program tailored to your agency, and the demand for legal services that will arise from a CIR program.

Research is necessary. Review data to prepare for your community's needs.

data on the undocumented in the service area. Determine whether certain communities are being overlooked (for example, non-Spanish speakers, the elderly and homeless). This will help you determine the potential demand for your immigration services.

- ❑ **Foundation Funding.** Approach funders for grants and donors for unrestricted support to offset costs associated with outreach work and legal services capacity building, such as printing, recruiting and training volunteers, and obtaining BIA recognition and accreditation. A coalition proposal for funding is more likely to be funded for purposes of preparing nonprofits to implement CIR. Although there is no guarantee of funding, the closer we come to a CIR program becoming law, the better the chances of getting foundation funding and individual donations.
- ❑ **Parent Institution Funding.** If your agency is affiliated with another institution, approach the leadership of the parent institution to fund the start-up costs of a CIR program or to increase funding of an existing program. Consider creating a loan program for potential CIR applicants using parent agency seed money.
- ❑ **Institutional Experience.** To help prepare for changes in immigration law, use the institutional experience your agency gained when responding to previous changes in immigration law that resulted in an increase in demand for legal services, such as the sunset of Immigration and Nationality Act (INA) § 245(i) in April 2001, extensions of Temporary Protected Status (TPS), or Deferred Action for Childhood Arrivals (DACA) within existing caseloads. Re-visit and evaluate your preparedness and response to those legal changes.
- ❑ **Partnerships.** Reach out to key partners in your area to collaborate on CIR work. For example, develop a coalition of faith-based communities, ministers to the foreign born, bar associations, adult education or English as a Second Language (ESL) programs, libraries, social service agencies, unions, and immigrant community organizers. A coalition of agencies rather than one agency will be better able to address the needs of the undocumented community. The larger the coalition, the better the chances of reaching more undocumented immigrants. This was true for IRCA and DACA implementation.
- ❑ **Research.** Research immigrant demographic reports to determine the scope of the undocumented population in your area. Evaluate the current services your agency offers and identify which communities you wish to serve and those you are currently serving (geographically as well as ethnically). Review your intake trends over the past year or two and compare these with demographic

II. MAKE SURE TO HAVE STRONG SYSTEMS IN PLACE NOW

Ensure that your immigration legal service organization has strong internal systems in place and that all staff complies with them. It will be easier to adapt strong systems to a new CIR program. Below is a checklist of issues to consider when evaluating and improving your internal case management system. For more detailed information about identifying management and fiscal practices that can enhance the viability and success of your immigration service program, please refer to CLINIC's *Managing an Immigration Program: Steps for Creating and Increasing Legal Capacity* manual, which can be found under www.cliniclegal.org/resources.

- ❑ **Client Pre-Screening and Intake.** You should have a standard intake procedure that screens potential clients for basic eligibility for any immigration benefit, including CIR. If time and staffing allows, such intake can be done one-on-one with a legal counselor. However, many programs have found it beneficial to hold group information sessions for potential new clients. These sessions provide a brief overview of paths to permanent residence or documentation of status, and advise applicants of the type of cases that the program accepts. At the end of the session, individuals who want an appointment are scheduled with one of the counselors. A nominal fee is usually paid for the information session to defray costs. An alternative method is to have potential clients use an on-line, self-directed screening tool as described below in a section dedicated to technology. During all intakes, emphasize to clients the importance of notifying the government and your program about changes of address. It is also important to inform the client that screening for eligibility is limited to the services provided in the Retainer Agreement and not a guarantee of eligibility for future CIR benefits that are prospective in time. At the end of the intake or informational session, provide a list of documents they will need to complete their applications.
- ❑ **Initial Consultations.** Experienced immigration practitioners should conduct initial consultations for purposes of identifying issues in your potential client's case. For a CIR program, this might not be possible and may have to be done by recently-trained volunteers or new staff. In either case, there should be a consultation checklist that permits the intake interviewer to check off all the eligibility requirements and possible bars to eligibility. It is extremely important to determine eligibility

early on in the process and to identify any problems, rather than to discover them later in the case. This consultation checklist should be retained in the case file to document the consultation.

- ❑ **Declining Cases.** Consider having a standard “decline” letter to give to persons seeking to document their status through your agency. The letter should state that you cannot provide legal services to the person and that you do not represent the person. If space permits, the letter might briefly and clearly explain why you are declining the case. The letter also should include a warning against *notarios* and a referral list to other respectable legal service providers in your community if the person wants a second opinion.
- ❑ **Fees and Fee Waivers.** Do not start working on the case until the client has submitted all essential supporting documentation (100 percent eligible) and paid the fee (100 percent paid). This policy will save your agency time serving the most ready first and keep the client more involved with the case. Furthermore, it will support your program’s need to complete and file applications swiftly so case load backlogs don’t occur and a smooth system of “in and out” occurs.

In general, persons who pay for their legal services are more responsive to the legal representative. Make sure that the client understands from the beginning that the success of the case relies not just on the legal service provider but also on the applicant. These recommendations are not intended to cut off indigent or low-income undocumented persons from legal services. Applicants who cannot afford to pay your agency fees should meet with a designated staff person to determine whether they qualify for a fee waiver or a sliding scale reduction in fees.

- ❑ **Retainer/Client Agreements.** A retainer/client agreement should detail the responsibilities of both you and your client. The agreement should be explained to the client, and the client should have sufficient opportunity to examine it. It should be noted in the file that the agreement was explained to the client, and whether the explanation was provided in English or translated into the client’s native language. If the client does not understand English, the agreement should be explained in his/her native language. The agreement should be written in plain English, avoiding legal jargon when possible.

Did You Know?
CLINIC member agencies can
access case management form
samples at CLINIC’s Case
Management Toolkit.

The retainer agreement should specify the services being provided and at what point representation ends. It should set forth the fee, if any, and should identify which services are included for that fee. The retainer agreement also should state that you cannot guarantee the outcome of the application, and that it is the client’s responsibility to keep you informed, within a certain time period, of any change in residential address, work address, mailing address, telephone number(s), and/or e-mail address. Likewise, the retainer agreement should explain that the client must assist with the preparation of the application and the development of the case by providing truthful information, responding to requests to submit documentation or providing an explanation as to why documents cannot be submitted in a timely manner, and arriving on time for all meetings with his/her representative and all government interviews/hearings.

The retainer agreement should include a description of the complaint process in case the client wishes to submit a complaint against a staff person.

An agreement for services during a group processing workshop is likely to read differently from the version described above based on the limited scope and duration of services provided with or without legal representation offered. This agreement, sometimes called a disclaimer or waiver, should state clearly the services provided and not provided and if, and how, legal representation can be acquired.

- ❑ **Case Selection.** Case selection requires an agency to set forth criteria by which to accept, decline, and refer cases. For example, during a CIR program, you may decide to accept only cases that are clearly eligible, and to decline cases that require filing an application for a waiver, appeal, or possible work in immigration court. You also might decide to reject any cases that involve criminal convictions or that were first prepared incorrectly by *notarios*. Your criteria for accepting or rejecting cases should be made clear to all staff, and case selection should be monitored

to ensure compliance with agency policy. To ensure the case selection criteria are being followed, maintain case statistics by type of cases selected for representation, number of cases opened and closed, and number of clients by nationality and gender. Select a staff person to maintain these statistics and ensure that the agency is serving the community

Did You Know?
Chapter 5 of CLINIC’s *Managing
an Immigration Program: Steps
for Creating and Increasing Legal
Capacity* is dedicated to case
management systems. Check it
out for free on CLINIC’s website.

that it was created to serve. The designated person also should monitor your case load to track the case mix. A healthy case mix (e.g., some fee-generating cases and some grant supported cases) will help maintain your long-term viability. Your case selection criteria should provide for exceptions to the cases that are regularly declined. Compelling cases might include persons who cannot find assistance elsewhere, or who present humanitarian factors.

You must be firm and consistent about turning away cases that fail to meet your case selection criteria. Accepting every case without proper evaluation could lead to the eventual collapse of your agency due to overextended resources. In addition, overburdened staff ultimately will harm clients by providing low-quality service. Train staff to decline cases in a respectful manner, taking into consideration the devastating impact this information may have. Staff must be clear and compassionate in explaining the reasons for ineligibility and for declining the case. If ineligibility is not explained, the person may simply move on to an unscrupulous immigration practitioner who will take his/her money and file an application.

❑ **Case Management.** A strong case management system establishes quality control and is essential to ensure that cases do not fall through the cracks. Your system must clearly detail the procedures for maintaining case files in order to ensure that all applications are reviewed before filing.

- **Uniform File Format**

- You should establish a policy that sets forth how all case files, paper and electronic, will be organized. In well-established organizations, this might only require that you establish a way to differentiate the CIR files from the other immigration case files. For example, a color-coded file system or a separate filing cabinet for hard copies could be used to separate the different types of cases. An electronic case management system will automatically label case types for easy queries and reports.
- Do not keep original documents like birth certificates, marriage certificates, passports, or other identity documents in files. Make copies and scan such documents for the file and return the originals to the client immediately. Maintain copies of all correspondence and applications filed with the government. The case notes should reflect that original documents were returned to client.
- Where possible, send government correspondence via secured, certified mail with return receipt to prove that the correspondence was received by the government. This will help the applicant prove that he or she filed a timely CIR application. In

many cases, the return receipt is all you will have to prove that an application was filed with the government. It is essential that you train all staff members to match all certified mail return receipt cards with the case file, the corresponding white mailing slip, and the photocopy of the item mailed. Make sure that staff complies with this system even if pressed for time due to high caseload.

- **Tickler System.** It is important to have a method for tracking deadlines so that you do not forget to file applications or appear at interviews or hearings. If you miss an important date, such as a filing deadline or an interview with USCIS, then the application might be denied. The tickler system is just one way to ensure that a case does not fall through the cracks. If you use an electronic case management, a second tickler system might be a safety net in case there is a software glitch. Most computer software or internet-based case management systems include tickler (or call-up) systems as part of the program.
- **Case Notes.** Case notes are essential. They allow you to understand the case, review the case history, and prepare for the work that still needs to be done. Case notes are particularly important when there is staff turnover. All notes written on the case should be dated and abbreviations should be easy to understand. If you are expecting many of the same type of applications, consider creating a key to explain all abbreviations early on so that all staff uses the same abbreviations for those applications (for example, CA: CIR application; CI: CIR interview; BC: birth certificate; MC: marriage certificate; or C: client). Case notes should include the following information:
 - All attempts to contact the client or the government via telephone, U.S. mail, or email, regardless of whether the attempt was successful. Should it be necessary to defend yourself in the future against complaints by the client or government, or even a malpractice claim, these notes will be very helpful.
 - All appointments, and whether the client failed to show up or was late for appointments. If client was present at appointments, include notes on the nature of the appointments.
 - Failure by the client to fulfill the responsibilities listed in the retainer agreement should be reflected in the case notes, and possibly in a letter to the client. Should you later determine you need to cease legal representation, the case notes will help document the basis for terminating representation. If the application is denied by USCIS because of failure to submit required documentation or because USCIS determines that the applicant

provided fraudulent information on the application, the case notes will help re-create the case history. Should the client file a complaint against you for malpractice, you will have a record of all actions you took on behalf of the client as well as all actions taken or not taken by the client.

- ❑ **Case Closing.** You should keep a photocopy of the government's grant or denial letter and a copy of the immigration document granted, such as the alien registration card (both sides). As soon as work is complete, you should have a case closing letter that clearly states: (i) you have completed the legal services you agreed to provide; (ii) you are ceasing legal representation of the client; and (iii) the person is no longer a client of your agency. This ensures that the former client understands that you no longer represent him or her. If no clear closing date of the case is conveyed to the client, you may retain legal liability for the case and client and, if a filing deadline or interview is subsequently missed, you might be held liable for legal malpractice. It is imperative that you clearly convey in writing to the client (and to the government in cases where you are the representative of record) when you are terminating legal representation.

A definite date of closure also helps you determine how long you must keep the file in archives before shredding it. Most states require legal files be retained in archives for a certain number of years, and you should verify with your state how many years you are required to keep them before they can be destroyed. For example, some states require that legal files be kept in archives for seven years from the date of closing the file before they can be destroyed. You should establish a policy for archiving closed cases so that they do not take up active file space.

If you conduct group workshops and do not ultimately represent the CIR applicant, the terms and scope of service need to be clearly stated in the waiver signed by the applicant at the start of the workshop. You should then keep the original waiver or retainer agreement and copies of the application.

- ❑ **Financial Controls.** Strong financial controls ensure that you are paid by clients for your services and are not faced with the issue of misappropriation of money. During the CIR

Did You Know?

Chapter 6 of CLINIC's *Managing an Immigration Program: Steps for Creating and Increasing Legal Capacity* is dedicated to managing financial performance. Check it out for free on CLINIC's website.

program of the 1980s, nonprofit legal service providers experienced a huge increase in the number of people seeking immigration assistance and, consequently, a massive increase in fees generated. Some programs did not have solid financial controls in place to ensure accurate fee collection by the agency and credit to the proper client.

A future CIR program will most likely result in the same huge inflow of clients and client fees. To prevent fraud, you must institute a strong financial control system. Depending on the size of your agency, only a few people should be permitted to accept fees. You should create or obtain a customized, three-copy fee receipt that includes the agency's name, address, and telephone number so that your client will be able to identify easily which agency helped him/her. The client should be advised to keep the receipt as proof that he or she paid the fee for a specific legal service. The client should also save any money order receipts or cancelled checks that are paid to USCIS because they might be the only proof that the client filed a CIR application should USCIS lose the application.

The actual legal service provider should never accept fees. Instead, a designated administrative person should be responsible for fee collection. It is preferable to require fee payments by check, credit, or debit card rather than cash. Many programs have already shifted away from cash acceptance, and have found that clients are able to accommodate as long as notice is given. The administrative person assigned to financial control should compare the legal services against the ledger for the intake of fees for each day. This is one way to ensure that fees paid by your client are in fact received.

- ❑ **Training Materials, Law Library, and Basic Office Equipment.** If you decide to establish a CIR program, you must have adequate library resources and equipment. Your staff should have easy access to copies of the Immigration and Nationality Act (INA), Title 8 of the Code of Federal Regulations (CFR), the legislation passed, and analyses of the law. Soon after the legislation is passed, CLINIC

and other national legal support agencies will develop a manual and conduct trainings on the CIR program. Secondary legal resources are readily used to facilitate research of legal issues that affect CIR applicants. Perhaps an equal benefit is access to technical assistance through affiliation with a national network.

Did You Know?

Chapter 2 of CLINIC's *Managing an Immigration Program: Steps for Creating and Increasing Legal Capacity* is dedicated to tools. Check it out for free on CLINIC's website.

It will be vital that you have access to e-mail and the internet-based information on practices and procedures as USCIS will issue frequent updates. All staff should be familiar with the following websites: USCIS at www.uscis.gov, the Executive Office for Immigration Review (includes BIA decisions) at www.usdoj.gov/eoir, and the U.S. Department of State at www.travel.state.gov and www.state.gov/visabulletin. You will also need sufficient computers and printers to complete applications. Internet access will be essential for forms preparation, but also may be critical if electronic filing is encouraged for CIR. Scanners and copiers are also necessary equipment for a CIR program. Supporting documentation might be best scanned and filed electronically as a back-up to the paper system, even if USCIS does not offer electronic filing for CIR applications.

- ❑ **Multiple Site Programs.** Many nonprofit immigration legal service programs have one main office with several branch or field offices that serve a large geographic area. This arrangement can be difficult for a program director to manage, even without a CIR program. Once CIR passes, however, maintaining a cohesive agency with a unified response will be critical to providing effective services. Policies and procedures documented in a manual and adhered to by all staff regardless of office location is the best way to achieve a unified response.

To prepare, you should determine where services will be best delivered, if sub-offices will be used, and seek, if needed, BIA recognition for all sites where legal services will be consistently delivered. You should determine whether your agency can afford to network the computers of all offices to permit sharing of case information and documents on the central computer network. Instead, web-based case management systems can be most useful when serving clients from multiple offices. Additionally, regular staff meetings are important to maintain consistent office practices. Staff meetings in person may be impractical, and therefore communication should be maintained through regular web- and telephone-based meetings. Appoint a staff person to be responsible for providing regular e-mail communications and newsletters to all staff and volunteers to keep them up to date on any changes within the agency and any changes with respect to the interpretation and implementation of the new law.

Collect information about essential non-legal services in the area.

- ❑ **Referral Services.** Make sure your agency has a list of other programs in the community that provide non-legal services, such as housing, English as a

Second Language classes, counseling, health care, and adult care. Give this list to all staff members and remind them to be aware of the non-immigration needs of persons seeking assistance at your agency. You want to ensure that your agency can link clients to the services that they most need. The intake form can be used to elicit information about non-immigration needs of your clients.

The most common type of referral needed at nonprofit immigration legal service organizations is for private immigration attorneys or organizations that handle complicated immigration cases. You must make sure that the attorneys/organizations on your referral list are in good standing with the relevant bar association(s), and that they are reputable and affordable. Include information about whether the referral organization or private attorney charges consultation fees. Keep track of entities and individuals within the community engaged in the unauthorized practice of law. With the consent of your executive director, consider sharing with other nonprofit immigrant legal service organizations the names of entities or individuals engaged in the unauthorized practice of law. Warn immigrants in your community to avoid them. If necessary and appropriate, file complaints against such organizations or individuals with USCIS, the Federal Trade Commission, or the state attorney general's consumer protection and fraud division.

- ❑ **Organizational Administrative Policies and Procedures Manual.** An administrative policies and procedures manual is necessary to guide staff. It also ensures that when there is staff turnover, new staff will have a resource to which they can turn to determine office policies. A written manual ensures uniformity in office policies and procedures and helps maintain consistency in their interpretation.

The manual should be developed with the input of the executive director, board of directors, and staff. Because a CIR program most likely will operate for several years, the CIR program could develop its own administrative policies and procedures manual. If one already exists for your organization, it should not be difficult to adapt it to the needs of the CIR program.

Understand what the volunteer expects to accomplish by working with your agency.

III. DETERMINE HOW YOU WILL USE VOLUNTEERS

You should plan to use volunteers and many of them for different tasks. During IRCA, most immigration programs relied heavily on volunteers to meet the increased demand for legal services. The next CIR program will have many more applicants than the previous program did, and immigration law today is more complicated today than it was 25 years ago. Your ability to increase the provision of legal services to the community will be limited without more staff and volunteers. One caveat: though IRCA veterans viewed volunteers as a valued asset, they warned that some volunteers obtained immigration law training that they later used to work with *notarios* to provide services. The following steps will help ensure that you develop a successful volunteer program.

❑ **Establish a Volunteer Coordinator Position.** This need not be a new staff person, and can be filled by existing staff. The volunteer coordinator should be responsible for recruiting, orienting, training, coordinating, and monitoring volunteers. You should establish a minimal number of hours that volunteers are expected to work. Volunteers will play many critical roles, legal and otherwise, in helping implement CIR. The volunteer coordinator needs to be well-versed in all roles.

Volunteers that provide legal services should be supervised by an attorney or a BIA accredited representative. Volunteers, like legal staff, should understand the importance of maintaining client confidentiality and sign a confidentiality agreement. The volunteer coordinator should serve as a liaison between volunteers and staff to ensure that there is a smooth and efficient working relationship. The coordinator should maintain a database to track volunteer hours worked, length of time with the agency, and cases worked on. This will be useful for program management and grant reporting purposes.

❑ **Recruit and Train Volunteers.** Before the law changes, recruit volunteers to assist with your current services and to help conduct public education outreach to the community about the current state of immigration law and pending legislation. Recruit students from local law schools, colleges, and universities. Set up an extern or intern program with a local law school or college. Advertise internships

Did You Know?

CLINIC's website has free reports, presentation materials, and flyers to make your program an expert on CIR preparation.

on the university website and particularly reach out to the foreign language, political science, and social work departments. Also remember to recruit volunteers from the religious communities in your area, and look for ways to reach retired professionals, who can sometimes offer full-time volunteer work.

Establish a system to screen volunteers based on the parent agency's policy. Some programs do background checks on volunteers. At a minimum, a staff person should interview the prospective volunteer and check the volunteer's references. Make sure that the volunteer is able to commit to the minimum number of hours needed by your program. To recruit trustworthy and supportive volunteers who are already informed about immigration or CIR issues, contact key partners in the community, such as ethnic apostolates, ESL programs, social service agencies, pastoral care providers, immigration coalitions, and partner agencies.

Volunteers should be fluent in the language of your target community or have a skill that helps your program operate. Because immigration law takes time to learn, it would be ideal to incorporate some volunteers into your program now. Volunteers who start now will be more likely to assume a leadership or supervisory role in a future CIR program.

Volunteers should be given a wide choice of training options to meet their personal scheduling needs and learning styles. Options to train a large number of volunteers in a short amount of time include: a week-long, classroom-based overview of immigration law; intermittent evening and weekend training classes; national or regional training; webinar series; facilitated and self-directed e-learning courses; and on-site mentoring by, or shadowing of, experienced immigration legal representatives.

Did You Know?

Organizations such as the American Bar Association, American Immigration Lawyers Association, and U.S. Citizenship and Immigration Services have launched initiatives to eliminate "notario" practices.

Visit their website and join efforts to protect immigrants from unauthorized practitioners of law.

The BIA provides for the accreditation of volunteers attached to a recognized agency. The most experienced and proven volunteers might become good candidates for this accreditation. This option can expand the nonprofit's capacity to serve and represent more people. Some organizations have had positive experiences tasking their accredited volunteers in planning and overseeing group processing workshops, which is something

to consider if appropriate for CIR workshops when staff time is stretched thin for frequent evening and weekend events.

□ Keep Volunteers Invested.

Thank volunteers for their help early and often. Volunteer training must include an orientation to the mission, structure, and services provided by your agency as a whole, not just the CIR program. Within the CIR program, volunteers must know to whom they should report and should be introduced to staff. Volunteers cannot be trained on the eligibility requirements for a CIR program before the law passes, but they can be trained on basic immigration law. It is also important to share information on pending immigration reform proposals with volunteers. This will help them understand what the immigrant advocacy community hopes to see in a new immigration law. Additionally, volunteers can be trained to identify specific documents immigrants are asked to gather and organize to establish their identity and CIR eligibility.

Volunteers should be asked for their input and suggestions. There should be regularly scheduled meetings with volunteers to brainstorm, discuss their work, meet other volunteers, and celebrate or consult each other about cases. Be sure to publicly recognize volunteers for their contributions, and to include them in the agency's mailing list to receive newsletters and other publications.

From the beginning, discuss the program's and volunteers' expectations for their involvement. After volunteers are trained, they can help staff conduct public education sessions on how to prepare for a future CIR program.

IV. ESTABLISH YOUR OFFICE AS THE SOURCE

Conduct a public education campaign that provides accurate information about current immigration law and proposals pending before Congress. Disseminate information on a variety of issues pertinent to immigrants, such as drivers' licenses, healthcare, and taxes. Start *now*, before immigration reform passes. It is important that your agency build trust with the immigrant community. If you are perceived as *the* source in the community for truthful and accurate information, then the undocumented will more readily turn to you when immigration reform becomes law.

Although we do not yet know all the requirements for CIR, they may include proof of: (a) continuous physical presence in the United States for a certain

Warn the public against fraudulent legal service providers which are sure to exploit CIR.

period of time; (b) employment in the United States; (c) identity (that the applicant is who s/he claims to be); and (d) good moral character. Moreover, CIR most likely will require the applicant to pay a fine in addition to any application fee.

It is important to recommend that immigrants start saving now for potentially costly application fees and immigration-related expenses.

**V. UNAUTHORIZED PRACTITIONERS—
Notarios**

In some Latin American countries, a *notario* refers to someone who can provide legal services. In the United States, a notary public is not authorized to do so. Nevertheless, some people call themselves *notarios* to take advantage of unsuspecting immigrants, many of whom think that *notarios* can provide legal services.

Part of your education campaign should include identifying inaccurate information and disproving myths that are disseminated by unscrupulous immigration consultants and *notarios*. This will help prevent immigration consultants and incompetent practitioners from making false promises to the undocumented.

If possible, have persons harmed by unscrupulous immigration practitioners speak out publicly to the community. Develop a handout with the names and contact information of reputable and low-cost immigration legal service programs and private immigration attorneys. Warn the undocumented community when you are distributing this list that they should beware of any agency not named on the list. Advise persons to question the qualifications of any immigration practitioner with whom they consult. This includes questioning the extent of the agency's immigration law experience and whether the person is a licensed immigration attorney or otherwise authorized to provide immigration *legal* services.

The office in your organization that handles inquiries from the undocumented should receive information on immigration reform from the same credible source, such as CLINIC, so all information distributed to the community is accurate and consistent. For those persons who choose not to avail themselves of your agency's legal representation, advise them through your public education presentations and materials to keep a record of their legal representative's full contact information, including name, address, telephone number, and business name, and to ask for the person's government-issued

Did You Know?

The American Immigration Lawyers Association's website can help you identify immigration lawyers in your community. Visit www.aila.org and select "Find a Lawyer."

photo identification. This is because *notarios* and other unscrupulous immigration consultants often disappear after they provide legal services to the undocumented.

Advise the undocumented not to use the services of an organization or individual that cannot provide contact information. Tell them to get complete copies of everything the organization or individual files with USCIS on their behalf before leaving the office.

Warn people to be wary of any agency that requires payment in cash, or demands that checks or money orders be written out directly to an individual (or to “cash”) rather than to the agency. This should raise concerns that the agency is not legitimate. Advise people to request a fee receipt for any services provided and to review the receipt immediately to make sure that it accurately reflects the amount paid and the services provided. The fee receipt should include the organization’s full name, address, and telephone number and the date the service was provided. Immigrants should always keep cancelled checks and any money order records because that might be the only proof that they paid for the legal services.

If a *notario* or immigration consultant is offering a deal to get a “green card” that is too good to be true, then it probably is too good to be true. Your agency’s public education presentations should include a warning that if a person has been advised that they are not qualified for an immigration benefit and a *notario* or immigration consultant says that they are eligible, they must ask the *notario* to explain why they are now eligible for the benefit. Remind them that they could risk being put into removal proceedings if they unquestioningly trust such practitioners.

Finally, a public education presentation should include local information on how immigrants can file complaints against immigration consultants and attorneys who are not competent or who cheat them out of their money. This will not only help victims, but may also help deter such practitioners from engaging in these practices in the future. In addition, it will create a public record of their activities for purposes of future prosecution.

VI. STRENGTHEN NETWORKS

Before CIR passes, you should work to strengthen and expand your networks by building relationships with key local and national stakeholders. These networks will allow you to more effectively reach out to and serve

Get involved in current local USCIS and community-based organization (CBO) meetings

the local immigrant community. Potential partners are listed below.

❑ **Local Networks and Organizations.** At the local level, you should first identify networks and

organizations that serve the immigrant community, and then reach out to them to build a coalition. If you are a Catholic program, you will need to make it clear that you serve all people, regardless of their ethnic and religious backgrounds. The coalition can be comprised of consulates, religious organizations, social and legal service providers, business associations, ethnic organizations, and labor unions. A well-organized coalition will be able to disseminate information to a wide and diverse audience and will also be an effective immigrant rights advocate. Before the passage of CIR, this coalition can conduct public education to the undocumented community on how to prepare for a potential CIR program and to warn about *notarios*. After CIR passes, this coalition could be a valuable pool from which to recruit volunteers to assist in conducting informational sessions about the new law. An informal coalition might start out sharing information on advocacy efforts for CIR and evolve into sharing training responsibilities, preparing comments on regulations, and advocating for a fair and transparent implementation of the new law.

- **Foreign Consulates/Embassies.** Contact foreign consulates/embassies in the United States of the countries of the communities you serve to strategize how to conduct public education for your target communities. The consulates/embassies should have credibility with your target audience.
- **Do not limit your outreach to one ethnic group.** Under IRCA, a disproportionate amount of advertising targeted the Hispanic community with little outreach to others. In a future CIR program, do not limit your outreach to one ethnic group even if it is the predominant beneficiary of your services. This will require a proactive presence in the international foreign language and local ethnic media, the primary media consumed by target communities. Public

Service Announcements (PSAs), guest columns, and interviews will inform the community about CIR requirements, eligibility, and protocol. They will also warn about the unauthorized practice of immigration law, which is likely to escalate during CIR.

- **Media/Agency Services.** Establish relationships with media that targets immigrant audiences and provides

Did You Know?

USCIS’ Community Relations Officers (CRO) are available for public education events and linking service providers to USCIS staff for improved customer services. CROs can be found on USCIS’ website at www.uscis.gov.

them with well-crafted scripts for 30- and 60-second PSAs to be viewed on screen and heard in languages appropriate for the media outlet's target audience.

A BIA recognized agency can officially represent immigrants before the DHS and the EOIR

application packets, USCIS will view you as unprofessional. Sloppy applications demand more USCIS time and resources, and are more likely to be denied.

- ❑ **Pro Bono Immigration Attorneys.** Your CIR program will rely heavily on new staff and volunteers. This will mean a high volume of CIR applications being filed with USCIS. Although a strong case management system requires that all applications undergo quality control before being filed, you might not have enough experienced staff to review all the applications that your office must file. If this is the case, your agency may experience a bottleneck that delays filing. Any delay might cause clients to leave your agency and seek legal assistance elsewhere or go to a notary.

You should develop working relationships with immigration attorneys in your community in order to recruit them as volunteers for group processing workshops. Experienced immigration attorneys can provide quality control and oversight of applications. Identify quality immigration attorneys and law firms in your community and determine how they might be recruited for *pro bono* services.

One way to develop relationships with high-quality immigration attorneys is to create a referral list that includes several attorneys. Offer this list to people for whom you cannot provide legal services. Establish a system to receive feedback from the referred people as to how their cases were handled so as to monitor the quality of the legal representative's services and the reasonableness of the fee. In the absence of high-quality immigration attorneys, nonprofits can agree to exchange immigration law training and mentoring for *pro bono* attorney time at workshops or on individual cases.

You also might invite reputable immigration attorneys to participate on your board of directors or on an advisory board for CIR. If you successfully recruit *pro bono* attorneys to help you with work now, they may continue to help you when a CIR program becomes law. If *pro bono* attorneys cannot volunteer on a regular basis, maintaining a connection may secure their help during CIR group processing workshops.

- ❑ **USCIS District Office.** Work to develop a good relationship with the local USCIS field office. Ensure that your office consistently files well-prepared application packets with USCIS, as the agency forms opinions on legal representatives and agencies based on the quality of the applications and petitions received and adjudicated at the district office. If you regularly file inadequate

During IRCA, many agencies had strong relationships with local Immigration and Naturalization Service (INS) district offices. These agencies submitted well-prepared applications and were known in the community for providing competent services. At the time, interpretation of the law changed often and practices were in flux. Many agencies were able to advocate successfully to the local INS on behalf of their communities when there were legal gray areas because they had good reputations with the INS and received the benefit of the doubt. A future CIR program will bring similar debates about interpretation and implementation. Your agency should position itself within a national network that can aid in advocating effectively to USCIS, particularly its central office in Washington, D.C.

You should be involved in local USCIS and community-based organization meetings. This will help you establish a rapport with the local USCIS district office in order to conduct administrative advocacy. It will also help distinguish your agency from the *notarios* that will be set up to make quick profits from CIR. It is advisable to represent your clients zealously and ethically. Stand up for their rights, but do so courteously and professionally so that you can reach common ground with DHS on CIR issues when the time comes. Advocates who disrespect others because they have a different point of view will not make much progress negotiating with DHS. Establish your agency as a respected player in the community and DHS will be far more willing to deal with you. Liaison meetings are also 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 by DHS under a future CIR program, knowing the current players and practices still might be relevant under changed law.

- ❑ **CLINIC's Network.** CLINIC affiliates (members and subscribers) receive regular updates on changes in the interpretation and implementation of the law. Often, affiliate agencies receive updates on changes in the law before the local DHS offices do. Affiliation to the CLINIC network will be especially important when the law changes, because information sharing and communication will be essential to effective representation.

CLINIC's Advocacy Section liaises with DHS to promote fair interpretation and implementation of immigration law, with a special focus on upcoming CIR proposals. CLINIC affiliates report to CLINIC on practices and trends at

their local DHS, and CLINIC then uses this information when advocating to DHS on behalf of its membership. DHS must often see a pattern of problems before it responds. The more member agencies report to CLINIC on local DHS practices, the better CLINIC will be able to advocate on a national level to DHS.

To inquire about CLINIC affiliation as a member or subscriber, please visit CLINIC's website at <http://cliniclegal.org/affiliates>. For those unable to become an affiliate member of CLINIC, it will still be helpful to visit CLINIC's website for educational materials on CIR.

VII. APPLY NOW FOR BIA RECOGNITION FOR YOUR AGENCY AND ACCREDITATION FOR YOUR STAFF

Federal regulations authorize people certified by the BIA to represent immigrants before DHS and the Executive Office for Immigration Review (EOIR). Before CIR passes, make sure your office is authorized to represent immigrants before DHS applying for provisional status, or else your agency will be engaged in the unauthorized practice of law.

INA § 292 and 8 CFR § 292 set forth who can legally provide representation for immigration purposes. The two main groups who can represent immigrants before DHS and the EOIR are licensed attorneys and BIA-accredited representatives. Therefore, make sure that your agency has an attorney on staff and/or that your agency is recognized by the BIA as being a nonprofit religious, charitable, social service, or similar organization that charges *nominal* fees and that has at its disposal adequate knowledge, information, and experience of immigration law. An agency that is recognized by the BIA can obtain accreditation for its staff to represent immigrants before DHS (partial accreditation) and the EOIR (full accreditation).

Apply now for BIA recognition and accreditation because it takes many months for such applications to be adjudicated. Concurrent approval of BIA recognition and accreditation is recommended. Your agency's recognition application and staff members' individual accreditation applications should be filed simultaneously unless the office location is already recognized and is simply adding accredited staff to that location. CLINIC member agencies should avail themselves of CLINIC's support for completing, documenting, and filing these applications. Attorney-led immigration legal service organizations do not need to apply for BIA recognition if the

Did You Know?

CLINIC affiliates can receive technical support from their FSC when completing their BIA recognition and accreditation applications. Non-members can download a complete set of technical assistance materials from CLINIC's *Toolkit for BIA Recognition and Accreditation*. Check it out for free on our website.

attorney(s) will be the person(s) responsible for providing legal services. Agencies with attorneys might nevertheless consider obtaining BIA recognition and accreditation to increase the number of staff qualified to provide legal representation to immigrants.

Because federal regulations dictate who can represent immigrants before DHS and the EOIR, so-called "immigration consultants" who are authorized by state law to provide certain services to immigrants are not authorized

to represent immigrants before DHS or the EOIR. Some state laws regulate "immigration consultants," but cannot authorize the practice of immigration law before DHS and the immigration courts.

The "practice" of immigration representation before DHS and the EOIR includes the following: advising immigrants about how to obtain immigration benefits; analyzing eligibility for those benefits; selecting the correct immigration form to complete; completing the form; and filing a petition or application. Immigration consultants who are not BIA accredited and who perform any of these services are, in fact, engaging in the unauthorized practice of law.

Whether you decide to have attorneys, BIA-accredited representatives, or both, make sure that your agency carries adequate professional liability insurance and that it covers staff and volunteers alike.

VIII. ADVOCATE FOR PRO-IMMIGRANT PROVISIONS IN CIR PROPOSALS

Immigrant advocates must collaboratively push for the inclusion of pro-immigrant provisions in CIR proposals. Advocates must also analyze and monitor pending CIR proposals to ensure that anti-immigrant or restrictive provisions are not hidden in the text. In 1996, IIRIRA included provisions barring immigrant admission for certain immigration violations for three years, ten years, and, in some cases, permanently. These provisions turned out to be a barrier for many people residing in the United States in unlawful status who were otherwise eligible to obtain lawful permanent residence.

The more clear and specific the pro-immigrant language of the new law, the less room DHS will have to interpret the law restrictively. The following is a non-exhaustive list of provisions that will allow for effective implementation of any CIR proposal:

- ❑ **Public Education.** CIR must provide funding for nonprofit, community-based organizations to conduct public education for the undocumented community about eligibility requirements under the new law.
- ❑ **Filing Options.** If an electronic filing process is proposed for CIR applications, a paper alternative should also be permitted.
- ❑ **Documentation.** The law should state that it is the intent of Congress not to require an unreasonably burdensome amount of documentary proof from applicants, because undocumented people often are not provided with documents like paycheck stubs, bank statements, or Social Security records.
- ❑ **Inadmissibility.** The law should exempt applicants from certain grounds of inadmissibility. For example, INA § 212(a)(6)(A) for being present in the United States without admission or parole should be inapplicable to people applying for CIR. Similarly, the bars for unlawful presence under INA §§ 212(a)(9)(B) and (C), for prior removals under INA §§ 212(a)(9)(A) and 212(a)(6)(B), and reinstatement of removal under INA § 241(a)(5) should not apply to CIR applicants.
- ❑ **Confidentiality.** The law should include a strong confidentiality provision. Immigrants must feel confident that information provided in the applications will not be used against them or serve as a basis for deportation.
- ❑ **Waivers.** The law should allow broad humanitarian waivers for those inadmissibility grounds that do apply. The waivers should be available to all applicants and not be dependent on the existence of certain “qualifying relatives.”
- ❑ **Prior Proceedings.** The law should include a measure allowing individuals to reopen prior immigration court proceedings if it is determined that they are now otherwise eligible for CIR.
- ❑ **Implementation Period.** The law must include a long implementation period. The government will need enough time to set up an infrastructure, prepare regulations, conduct outreach, and implement a CIR program. If there is a date of entry requirement for eligibility, it should be as close to the date of the law’s enactment as possible.
- ❑ **English / U.S. Civics Exam.** The law should include an English/civics requirement at the time after provisional status is granted to promote immigrant integration. Those already proficient in English might be given an exam to demonstrate basic understanding of English and U.S. civics. A waiver similar for naturalization purposes should be available.

- ❑ **ESL Courses.** Those applicants not already proficient in English should enroll in an approved course of study and demonstrate satisfactory completion to qualify. The government should provide funding for nonprofits with experience in operating such courses.
- ❑ **Derivatives.** The law should allow the spouse and children of a principal applicant to qualify as derivatives. Date of filing the application should determine the age calculation for eligibility of children.
- ❑ **Safeguards.** The law should include due process safeguards, including an administrative appeal process and judicial review of the law.
- ❑ **Diversity.** The law should include a provision directing DHS to serve ethnically and geographically diverse populations. Under IRCA, funding for advertising and outreach went primarily to the Hispanic community, while other ethnic groups were overlooked. Congress must ensure that all ethnic groups learn about and have an opportunity to benefit from the new law.
- ❑ **Employment Authorization.** Applicants should be rapidly provided with employment authorization.

IX. ASSESS YOUR OFFICE FOR PHYSICAL SPACE AND INFRASTRUCTURE

Your office will likely experience a large increase in potential clients, and you should be prepared to accommodate this jump. Prior to CIR, you should conduct an assessment of your space and infrastructure and determine if you need to make any changes. At a minimum, you should examine the following:

- ❑ **Office Space/Equipment.** Make sure you have enough: (1) space to serve increased clientele and to store new case files; (2) desks, chairs, and tables to interview potential clients; and (3) computers, printers, copiers, and scanners to process many applications at once. Budget for additional purchases, if needed.
- ❑ **Telephone System.** You will likely receive a high volume of telephone calls, and should consider using a phone system that offers multiple prompts and messages in different languages, directing callers to basic and more specific information on the website, particularly in a Frequently Asked Question format. This will save staff time in answering simple and repeated questions. You should decide if the phone system will offer callers access to staff phone extensions or not.
- ❑ **Information Sessions.** Identify free or low-cost space to conduct information sessions on eligibility requirements and application process under the new law. Incorporate

rental fees for additional space into your program budget. Consider the availability of space and staff or volunteers to provide child care to those seeking services. Consider providing a safe, supervised, and child-friendly area.

- ❑ **Hours of Operation.** Under IRCA, immigration legal service agencies extended hours and days of operations. Many were open late seven days a week during the application period. Assess whether your agency can afford to provide extended hours and days of operations, and consider security issues resulting from extended hours of operation in the evening or days when the building is normally closed.
- ❑ **ESL/Civics Classes.** CIR will likely include an English language and U.S. civics requirement. This might be required after the undocumented person documents his or her status, but before the person obtains lawful permanent residence. Consider whether your office should provide ESL and U.S. civics classes to the community. This might require additional space and resources.
- ❑ **Group Processing Workshops.** Group processing workshops were common during IRCA, and will be necessary in a future program. You should assess agency capacity, examine what the law requires, and decide how best to operate the workshops. First, determine whether you have a space large enough to accommodate workshops. If you choose off-site locations, make sure they are BIA-recognized, especially if they will not be attorney-supervised and will depend on BIA-accredited staff, accredited volunteers, and non-accredited volunteers.

If you choose to hold them off-site, make sure your worker's compensation and liability insurance covers the new location. If your insurance charges more for this coverage, include it in the program budget. Second, assess your office equipment and, if needed, invest in more computers, printers, scanners, copy machines, and case management software. Make sure to include costs in the program budget. It will be important to make copies of completed applications and supporting documentation for your client and your files, so consider budgeting for more than one, portable color copier that can handle large quantities of copies. You will need copiers that produce fast, high-quality scans to send in supporting documents. You should consider investing in computers (laptops and/or tablets) for filling out CIR forms. Even if USCIS does not accept e-filing of applications, completing forms on computers will be faster and more legible. Photographs and fingerprinting services are now processed by government-contracted Application Support Centers (ASCs), and will thus not likely be needed at your agency or workshop. However, you should consider a way to provide fingerprint services for certain clients who need to run FBI checks to investigate prior contacts with law or immigration enforcement.

X. EXPAND AND MAXIMIZE USE OF TECHNOLOGY

Reaching and serving scores of applicants will require an expanded use of existing technology and implementation of new technological tools. Using technology appropriately can assist with the following: broaden public outreach; train more staff and volunteers; coordinate communication between community partners; allow services to be provided at multiple and remote locations; pre-screen and prioritize clients by eligibility and readiness; populate application forms with greater accuracy and efficiency; manage office functions more effectively; and track program and client outcomes.

Expanding and maximizing the use of technology starts with a technology assessment of the parent agency and immigration program. An assessment can be done by an in-house expert with staff input, an outside, paid consultant, or a *pro bono* consultant. The results of a technology assessment should produce goals and objectives, a budget, and the identity of a point person for implementation and upgrades.

Below is a list of both well-established and newer technology expected to be useful in implementing CIR.

- ❑ **Website.** Like all technology options below, website enhancements require early planning, expenditures, implementation, and upgrades. Parent agency and immigration program webpages will require frequent updates as new information on legislation, USCIS regulations, and program services becomes available. Early content for posting may include updates on the legislative process. Until a bill has passed, the website should include a notice to immigrants to avoid paying for services that are not available yet. Descriptions of authorized immigration law practice, warnings against unauthorized practice, and methods to report fraud and unauthorized practice are also important, early messages. Program services, including consultation for CIR or other immigration benefits eligibility, should be listed along with where and how appointments can be secured. An option for immigrants and other stakeholders to sign-up for a list serve about news should be easily accessed on the website. Webpages in multiple languages will be advantageous to immigrants and service providers. Video postings in different languages will aid persons who have literacy challenges.
- ❑ **Social Media.** Social media tools are impacting society at a faster pace and becoming increasingly relevant to native and foreign-born residents alike. Reasons for using different social media tools include the following: to increase the visibility of an immigration program or local coalition as the reliable source for information; to promptly inform people with the latest information; rally to advocates for political support; to announce events; to direct volunteers on how to help; and to lead immigrants

to authorized services. Whichever social media tools are used, an agency should identify the target audiences for each tool, develop policies for their use, and designate a point-person to control the content, manage the process, and respond to the impact.

An immigration program or local coalition should have a legalization-focused Facebook page. Social media pages can personalize a program's mission by posting public messages, posting links to articles, photos, videos or webpages, and receiving and responding to comments. Another social media tool, Twitter, can broadly send out short messages on fast-moving topics. Blogs are an increasingly popular way for thought-leaders to communicate their points of view in order to share ideas and influence others. Executive and immigration program directors can promote themselves as credible experts using all three methods noted above. Messaging to immigrants and the general public can be creatively displayed using videos posted on YouTube and photos on Flickr.

- ❑ **E-mail Blasts and Robocalls.** Immigration service providers should use every opportunity to receive e-mail addresses and phone numbers voluntarily-given from those who will seek services as a result of CIR passing. With this information, e-mail blasts and robocalls can be used to communicate rapidly to a large audience. Whether managed in-house or through an external consultant, the content must be carefully managed and timed by professionals in the agency. Like social media, the purpose of these tools is to expand outreach in a prompt manner and establish the program as the local expert.

Requests for e-mail addresses and phone numbers can be made through the website, voice mail system, Facebook, Twitter, printed bulletins, public information meetings, and consultations. The method to input e-mail addresses and phone numbers into the agency's database needs to be automated to eliminate the use of valuable staff or volunteer time.

- ❑ **Cloud-Based Storage and Scheduling.** Cloud-based storage of documents is new but increasingly popular. A benefit of using the cloud is the accessibility across different electronic devices. Sharing a training curriculum with volunteers in a file stored in the cloud can be more direct and efficient than posting on a website or e-mailing it upon request. Scheduling volunteers and prospective applicants for appointments may be easier using a document stored in the cloud rather than receiving phone calls and e-mails and entering the data onto a spreadsheet.
- ❑ **Online Meeting Services.** Voice Over Internet Protocol (VOIP) technology allows voice transmission using a microphone, video by using a webcam, and instant messaging all over the internet. Skype and Google Talk are common service providers of this technology. Go-To-Meeting is another service offering voice and multimedia

communication commonly used for webinars and online meetings. The benefit of these devices allows an expert to be more accessible using VOIP services to speak to large groups or one individual rather than spending valuable time traveling. This technology is especially beneficial if the immigration programs service area spans a radius of several hundred miles.

- ❑ **Electronic Case Management System.** Case management can be divided into two distinct parts. One part is the case management *process* by which applicants for legal services are screened, given intake, provided legal services, and tracked for next steps and outcomes. These are the daily activities of an immigration legal representative and should be standardized throughout the entire legal service program. These protocols should be laid out in a case management policies and procedures manual. The other part of case management is an *electronic database* where program and client information is entered, stored, and analyzed. The case management process and electronic database work in tandem to professionalize services. The benefits of a case management system are numerous, with the primary benefit being the reliable and permanent record of client data, eligibility information, services rendered, applications filed, future deadlines, and program and client outcomes. Using only a paper-based method may be viewed as expedient to implement CIR but, due to the organizational challenges inherent in filing many applications in a short time span, a paper-based system is likely to be disastrous and possibly lead to malpractice and other dire consequences for clients and the service provider.

Not all electronic case management systems are alike. Preferred systems are designed specifically for immigration legal services and are web-based. Web-based systems provide immigration practitioners up-to-date immigration forms, avoiding the manual update required with many computer-based software programs. Web-based systems provide access for supervisors to client information and staff services, regardless of the supervisor's physical location. Web-based systems make mobile services possible without the dependence of moving paper files outside the office. Web-based systems may also permit clients limited access to portions of their case file. This allows clients to pre-populate screening forms and applications on their own, freeing up valuable staff time for legal, rather than clerical, functions. It also allows clients to peer into their file to see how their case is progressing, rather than interrupting the immigration service provider with phone calls and emails.

- ❑ **Online, Self-Directed, Screening and Forms Filling Tool.** An increasing number of every-day applications can be completed and filed online. Recently, online, self-directed tools have been created to assist immigrants

and their immigration service provider to pre-screen an immigrant's eligibility for an immigration benefit and also populate an immigration form from wherever the immigrant has access to a computer and the internet. Naturalization and Deferred Action for Childhood Arrivals (DACA) are two immigration benefits for which these tools have been recently used.

Online, self-directed tools allow the applicant to participate more actively in their case and speed up the data-entry of vital information.

Pilot projects using this tool for naturalization and DACA show that people with limited or no computer knowledge are able to navigate the screen prompts with minimal help, provided they know how to use a computer mouse or click the keyboard correctly. Persons with more knowledge of computers can navigate the self-directed tool more readily. Using these tools effectively for large numbers of people requires access to computers and related equipment commonly found in a computer lab. For maximum efficiency, it is important that these tools be in the language the applicant knows best. For the benefit of immigration service providers, self-directed tools need to be automatically linked to the web-based case management systems used by the immigration program in order to avoid double entries.

- ❑ **Mobile Devices for Entering Data into Forms.** Laptop computers are commonplace even in nonprofit offices. Laptops are mobile to meet applicants remotely, in small or large numbers, for entering data into application forms and online case management systems. The cost of laptops may prevent a nonprofit from using them in large numbers for staff and volunteers. Tablets are not commonly found but have great potential for serving where laptops are too costly or problematic. More relatively inexpensive tablets are on the market and possibly purchased cheaper in bulk numbers. Whatever device is used for greater mobility and ease, it needs to have a screen and keyboard large enough for comfort when completing forms, be linked to an online case management system for tracking purposes and have an internal function to create forms into PDFs. Mobile devices, like any office equipment, need to have inventory identification numbers, be assigned in and out to responsible individuals, and guarded.

Did You Know?

CLINIC offers the widest array of classroom, webinar, facilitated e-learning and self-directed e-learning courses for program managers and immigration legal representatives.

Implementing most, if not all, of these forms of technology will increase the effectiveness of immigration programs in serving larger numbers of applicants for legalization and other immigration benefits.

- ❑ **E-learning (facilitated and self-directed).** Comprehensive immigration reform, as the name implies, will require experienced immigration law practitioners to learn many amended and entirely new laws. Implementing CIR will require the addition of many new personnel to the field, who will need to learn large volumes of immigration law relevant to the client base nonprofits serve. In addition, program managers charged with implementing new services and amending previous ones will benefit from training on new program models to manage legalization and an existing caseload for

other immigration benefits. Thus, access to training will be critical before and after a new law is in effect and after regulations and application form(s) are promulgated.

Classroom instruction and webinars are common training formats. Both have their benefits and challenges. Classroom training can cover many topics, offer personalized instruction and enriching interaction with other classmates. Yet, classroom training is time-intensive and costly due to time away from the office and travel expenses. Webinars are a good opportunity for practitioners to quickly and inexpensively focus on short, narrow topics. Yet, webinars cannot in one or two sessions sufficiently cover sweeping changes in immigration law or offer much spontaneous interaction like a classroom.

E-learning courses offer the benefits of both classroom instruction and webinars. This is especially true for facilitated e-learning using an online instructor interacting with an online classroom of peers learning together during scheduled sessions. Self-directed e-learning, as opposed to a facilitated course, is accomplished without a facilitator or group of peers learning at the same time. The learner moves independently through pre-set course material at his or her own pace. Both opportunities can be readily accessible via the internet, relatively inexpensive, and content-rich. Both forms of learning can include homework exercises, tests, and feedback. Either form of e-learning can be a cost-effective, efficient training option for experienced and new staff, in addition to scores of volunteers.

After Legislation Passes

The successful implementation of a CIR program will require a swift and well-thought out strategic response after the passage of legislation. Below are some recommendations that should be implemented as soon as CIR passes, taking into consideration the timeline established by Congress to implement the new legislation.

I. APPOINT A CIR PROGRAM DIRECTOR

Your program will have undoubtedly have less time to file applications than desirable. Therefore, you must hit the ground running. The first thing to do is appoint or hire a CIR program director/coordinator.

In many cases, the CIR director can be the same person who coordinated your CIR preparedness activities. To assist in implementation, CLINIC will provide up-to-date information materials, technical support, and training information on our website. We highly recommend that CIR directors regularly visit the website for instructional manuals and updates on the new law and regulations. The Immigration Advocates Network (IAN), a network of nonprofit legal services agencies, also provides resource materials. Nonprofits may sign up for free at www.immigrationadvocates.org to gain access to these materials.

II. IDENTIFY FUNDERS AND REQUEST FUNDING

Foundations and grant-makers will likely respond to CIR by funding legal and related services. Identify and approach all possible private foundations, individual donors, and government grantors. Your agency's leadership may also be willing to pursue individual donors to support CIR. Regardless, the executive director and immigration program director should pursue funding for the CIR program.

Cultivation of funders, primarily foundations, should begin *before* the law passes. Invite foundation officers to agency-sponsored events such as community public education talks on CIR, group processing workshops, etc. When targeting a private foundation or a government grant-maker, know their interests and priorities.

Did You Know?

CLINIC affiliates may access a CIR preparation grant proposal to obtain local funding in the Affiliates-Only section of our website.

In the lead-up to CIR, educate funders on the importance of a CIR program to raise awareness about your entire agency as well as the CIR program. Explain what a good CIR program can accomplish. Explain that the program can bring undocumented people out of the shadows to become full members of society,

help the working poor, keep families together, provide education against *notarios* who take advantage of the undocumented, and further goals of democracy by training, educating, and including millions of people who are already settled here in our government process. Show funders demographic statistics on the undocumented in your area to illustrate the need for services, including a comparison of the number of people you currently serve with an expected increase in demand. Expand existing mailing lists to market the CIR program to a wider audience by obtaining names and contact information from your agency's leadership.

III. PARTICIPATE IN REGULAR COMMUNICATION WITH CLINIC

Soon after CIR passes, CLINIC will hold regularly-scheduled communication to provide updates from the national headquarters of DHS on interpretation and implementation of the new law. In addition, CLINIC will provide written materials, trainings, manuals, and reports on the new law. It is imperative that you and your staff learn the new law as soon as possible after it passes to convey accurate information to the communities that you serve. The communication with CLINIC will allow your staff to stay informed on the latest immigration regulations and policies. They will also provide a vehicle for your agency to report to CLINIC and other agencies on practices and trends in local DHS offices. CLINIC will use this information in its national

administrative advocacy and in commenting on regulations. Communication will help local agencies brainstorm on how to respond to DHS practices around the country and to create proactive practices to serve immigrant communities.

Recruit volunteers and hire new staff as soon as CIR passes.

eligibility and procedures. Particularly in the case of group processing workshops, staff and volunteers should talk directly with the person seeking CIR

assistance and not discuss specific cases in the open. Create a standardized form for volunteers to sign that sets forth your expectations for the volunteer, including the need to keep client information confidential.

IV. TRAIN STAFF AND VOLUNTEERS ON THE NEW LAW

If you have not already done so, you should recruit volunteers and hire new staff as soon as CIR passes. During IRCA, religious and community leaders helped recruit volunteers. When the news breaks about a new CIR program, capitalize on media coverage and recruit volunteers from other institutions, such as schools, bar associations, communities of the religious, and community organizations.

Training should be done periodically as new volunteers join or new immigration regulations are issued. Expanded training options will occur after passage, including e-learning, webinars and classroom instruction to make learning efficient and accessible. Previously trained volunteers can help train new volunteers. Hold weekly status meetings to get input from volunteers on practice trends, problems encountered, and how to handle difficult cases or clients. Approach the local chapter of the American Immigration Lawyers Association (AILA) to request help training staff and recruiting *pro bono* immigration attorneys to help your agency.

New staff and volunteers should receive an orientation to your agency, your mission, and the community you serve. Introduce new staff and volunteers to current agency personnel. Advise them on your policies and procedures and inform them about your culture. New staff and volunteers should feel welcome and should understand how they fit into the agency.

You must be clear and upfront about your expectations for volunteers. You must also try to understand what volunteers expect to get out of working with your agency. Beware of people who volunteer merely to gain experience so that they can provide immigration legal services on their own. Although there is no way to guarantee that this will not happen, your agency can reduce this possibility by recruiting volunteers through known groups. Also, institute a policy that staff can neither handle cases outside the agency nor work for *notarios* or immigration consultants.

Train your staff and volunteers to treat all clients with dignity and respect. Explain that your agency's mission is to welcome immigrants and assist them. Make sure that staff and volunteers understand that communication with clients and potential clients is confidential. Discussion of cases should be limited to questions or comments about

Training Topics for New Volunteers. If volunteers are new to immigration law, a training should cover:

- *Introductions and purpose of the training*
- *Sources of law*
- *An overview of how to immigrate to the United States*
- *Common definitions of immigration-related terms*
- *Bars to permanent residence*
- *Eligibility requirements for CIR*
- *Bars to CIR and waivers that are available*
- *Red flags: groups at risk*
- *A review of the CIR application process, and*
- *Operation of group application processing.*

Training Topics for Experienced Staff and Volunteers. Experienced immigration staff might not need too much training on the new law for legalization, although they will need to learn the eligibility requirements and application process. Soon after the passage of the new law, your staff and volunteers must be trained in:

- *Orientation to interviewing of clients and office procedures*
- *Basic immigration law*
- *Eligibility requirements for benefits under the new law and hazards of applying for certain individuals*
- *The CIR application filing process*
- *Bars to eligibility, waivers, and exemptions, and*
- *Your internal case processing procedures, from careful case intake/screening, quality control and archiving of submitted files.*

As soon as the CIR application form is published, determine how much time will be required to complete it and create a plan for processing applications in your office. While you will likely serve a high volume of clients, do not forfeit

quality for efficiency and speed. A well-trained staff will make fewer mistakes and prepare better cases. Sloppiness does not save time, as you will have to devote time and resources later to correct mistakes and deal with possible malpractice complaints.

After the law passes, CLINIC will develop materials, provide trainings on legal changes, and offer technical assistance through its toll-free hotline and Training and Legal Support attorneys. These services will be in addition to CLINIC's regular conference calls, e-mails, and web postings. All staff and volunteers should be familiar with the resources.

V. CREATE ESSENTIAL FORMS

Preparation is necessary to implement the program. All of your materials and forms should be prepared well-ahead of the first day applications can be filed, and in languages spoken by the immigrant communities in the area. In the first month after the law passes, you must finalize all your forms and materials. Essential forms include:

- *Informational session flyers*
- *List of documents applicants need to gather*
- *Handout to list current/ past residences*
- *Handout to list current/ past employment*
- *Handout to list entries and exits from the U.S.*
- *Office intake forms*
- *Client services agreement*
- *Volunteer consent form*
- *File organization outline*
- *Sample affidavits and support letters*
- *Group processing workshop waiver/disclaimer*
- *Instructions on how to access records of criminal history*
- *Referral lists, and*
- *Closing letter.*

VI. IDENTIFY POTENTIAL CLIENTS THAT ARE 100% ELIGIBLE AND PREPARE THEM TO APPLY

Use the time between passage of the law and the first date applications can be filed to collect contact information for potential clients and provide consultations for as many people as possible in order to maximize the number of people who are 100 percent eligible, ready to pay for services and the application fee, and file as your client.

Send letters, email blasts and/or robocalls to people who have already received a CIR consultation and inform them how to register for application services either at a group processing workshop, in-office clinic, one-on-one services or other service model available. To manage the scheduling demands and reduce phone calls, offer a link to an easy-to-use online scheduling tool. In whatever communication is used, inform them of eligibility pre-requisites and which primary and secondary documents to collect and organize as supporting evidence.

VII. ADVOCATE TO DHS FOR A JUST IMPLEMENTATION

Immigrant advocates must ensure that DHS correctly interprets the intent of Congress in passing CIR. In particular, advocates must provide input on the development of the regulations and the creation of the CIR application, ensuring a streamlined application form that is not too burdensome to complete. Advocates must ensure that DHS's *interpretation* of the new law does not eviscerate it. You can work with CLINIC to provide input into the development of the regulations, which will form the *executive interpretation* of the new law and influence how it is implemented. The following is a non-exhaustive list of advocacy issues that, if incorporated, would ensure a positive and generous implementation of the law:

□ Application Requirements and Filing Options.

Advocate for a paper filing option and a short, clear application form. The longer the application form, the lengthier the application processing time will be. Since CIR's purpose is to bring undocumented people out from the shadows, the language in the application form should be simple and should stick to the basic eligibility requirements of the program. Requiring mandatory e-filing of all CIR applicants would defeat the purpose of the law, because many undocumented immigrants do not have access to computers. If e-filing is proposed as a filing method, it should therefore allow for a paper alternative. Advocate against excessive documentation requirements for CIR and waiver applications, and a forgiving standard by which USCIS will review affidavits/declarations and waiver applications.

❑ **Inter-Agency Working Group.** Advocate that DHS establish an inter-agency working group, including USCIS, CBP, and ICE, to work with community-based organizations (CBOs) in the interpretation and implementation of the law. This might involve regularly scheduled liaison meetings between DHS and CBOs. DHS should designate a representative to run liaison meetings who has authority over all three bureaus (USCIS, ICE, and CBP) and can ensure that representatives of the three bureaus are in attendance. This will ensure that all three bureaus work together to interpret and implement the new law, and will prevent contradictions and inconsistencies within DHS.

❑ **FOIA Responses.** Advocate for quick responses to Freedom of Information Act (FOIA) requests so that applicants can obtain their immigration records. The government should create a “special response” track that would allow a speedy response to CIR applicants.

Your agency must continue participating in local liaison meetings after the law passes to receive updates on changes in local interpretation and implementation of the law. Keep minutes of the local liaison meetings, including who is in attendance from DHS and the CBOs. Ensure that DHS follows through on issues it says it will address. Use the local liaison meetings to report bad practices or trends observed in DHS offices. CLINIC affiliates should report these as well to its Advocacy Division. At the same time, advocates should praise DHS when they identify positive or helpful DHS practices.

VIII. ESTABLISH PROTOCOL FOR THE AGENCY'S CIR PROGRAM

When CIR passes and the complexities are known, your agency must establish a protocol for the CIR program, including which cases you will handle, how you will process applications, and under what circumstances you will file Form G-28, Notice of Entry of Appearance as Attorney or Representative. When establishing a policy on filing Forms G-28 with CIR applications, it is advisable to consult USCIS's Statement of Intent Regarding Filing Requirement for Attorneys and Accredited Representatives Participating in Group Assistance Events.

Some of the factors to take into consideration are below.

❑ **Regular Immigration and CIR Cases.** Establish a policy about handling cases beyond the scope of CIR, and whether you will focus exclusively on CIR or not. If you decide to focus only on CIR cases, create a list of reputable immigration lawyers and legal service providers for referrals of other types of cases. If your agency has an existing caseload that it will continue to handle, decide

how to divide staff time and resources between CIR cases and other immigration cases. Different intake times might be provided for the different types of cases, such as one day for new CIR cases and a second for other immigration cases.

During IRCA, many CBOs handled only CIR cases because they were newly created and faced a large volume of people seeking assistance to document their status. Currently, many of the programs that are already providing immigration legal services would be the ones situated to take on CIR cases. Be aware that, as a matter of legal ethics, your agency cannot just stop working on its current caseload. You must abide by the terms of the Retainer Agreement for your current caseload, even if you decide to accept only new CIR cases during the application period.

❑ **One-on-One, Group Processing, or Both.** Determine whether your agency will continue to provide one-on-one legal services for CIR cases or rely exclusively on group processing workshops. During IRCA, many CBOs provided a combination of both services by offering group processing workshops during the evenings and weekends when it was easier for applicants to attend such workshops and providing individual services during the day for complicated cases that required further legal screening.

Your office's ability to include group processing workshops depends on your agency's size, caseload, and ability to recruit and train volunteers. The fewer the staff and volunteers, the more limited your ability will be to provide group processing workshops. If a sufficient number of staff and volunteers are not adequately trained in CIR, it will limit the effectiveness of the group processing model and potentially harm the applicant and damage the program's reputation and viability.

❑ **Form G-28, Notice of Entry of Appearance as Attorney or Representative.** Establish an office policy on when to file Form G-28, Notice of Entry of Appearance as Attorney or Representative. One option is to let the client file the application on his or her own, particularly in a group processing workshop, which USCIS currently permits. Otherwise, authorized practitioners, attorneys and BIA-accredited representatives, are directed by USCIS in a disciplinary rule for professional ethical reasons to file G-28s when a legal representative-client relationship is established. Form G-28 notifies DHS that the applicant or petitioner has a legal representative. Its filing permits the legal representative to communicate with DHS on behalf of the client about the case, and to receive copies of any notices or correspondence sent to the applicant or petitioner. In general, the government will not speak with anyone, except the applicant, about the applicant's case

unless there is a Form G-28 on file. During IRCA, many CBOs helped undocumented immigrants apply for CIR through group processing workshops. Often the CBOs did not file Form G-28 with the applications. Legal assistance was limited to completing the CIR application and filing it with the INS.

Whatever policy you establish, it must be conveyed clearly so that the client understands the limits of the services you provide. This also should be explained in the retainer/client agreement. If Form G-28 will be filed with the CIR applications, decide the extent of the representation. In particular, decide whether it will be limited to the initial CIR application or will also include related or unrelated services. Given the lengthy period of time expected before a legalized immigrant can apply for adjustment to lawful permanent resident, it is wise for an immigration program to limit the scope of its CIR services to filing the initial legalization application and close the case when the benefit is granted. Later benefits, such as adjustment of status, filing family petitions, or naturalization can be provided under a new retainer/client agreement and a different fee schedule. Also, ensure that the client understands that it is his or her responsibility to keep you informed of contact information during that time period.

Once the legal representative files the Form G-28, your agency will continue to receive notices on the case until there is a decision or until the legal representative files a written notice with the government to withdraw as legal representative. Even if the legal representative ceases to work at your agency, you will continue to receive notices on behalf of the applicant. As with all correspondence to the government, a request to withdraw representation should be filed by certified mail, return receipt requested. A common problem with DHS is that former legal representatives continue to receive notices in cases where they have withdrawn. A certified mail return receipt card will help prove to DHS that you withdrew from the case. It will also help immigrants whose cases are closed for failure to respond to a notice that he or she never received because DHS wrongly mailed the notice to the address of the former legal representative.

Did You Know?

CLINIC believes that the group application workshop model will be essential during CIR. The current naturalization workshop model will likely be restructured to meet the unique challenges facing those seeking to document their status. To prepare to plan and implement the new model, check out CLINIC's *Toolkit for DACA Workshops*, available for free on our website.

If the decision is made not to file Form G-28 with any CIR applications, make sure the client understands that he or she is fully responsible for the case, including for informing USCIS of address changes. Explain this directly to the applicant and in writing.

The CIR application will likely have a section that will require the person who helps the applicant complete the application certify that he or she helped prepare the application. For purposes of the group processing workshop, establish a policy concerning who will sign this "preparer's" part of the CIR application.

This might be the volunteer who helps the applicant complete the application, the quality control staff who reviews the application before filing, or the person who ultimately submits a Form G-28. Make sure that all forms used are in their current edition, or they will not be accepted by DHS. The latest acceptable revision date of the forms can be verified at www.uscis.gov.

IX. ESTABLISH FEES FOR SERVICES

It is important to establish fees for the legal services your office provides, as fees will help keep the client involved in the case, will generate revenue to offset any losses due to delays in funding from other sources, and will ultimately help your agency continue to provide high quality services over a long period of time. You should decide whether to base fees on the actual cost of the services provided or on what other nonprofit immigration legal service providers in the area charge. Unless your agency is fully funded by grants, you must recoup a certain portion of the cost of the services in application fees. Otherwise, you will not be able to afford to continue providing legal services. Discontinuation of services due to poor management and the collapse of the program is a disservice to the population served and a blemish on the mission of the nonprofit. Regarding fees, you must also take into account the issues listed below.

- ❑ **Keep Your Mission In Mind.** CLINIC affiliates are nonprofit, charitable immigration service providers that serve indigent and low-income people. The tax-exempt status as a 501(c)(3) nonprofit and how the status was obtained should be the primary guide when considering fee structures. Create fee caps for families.

The fee collection system must include a process for handling requests for a reduction or waiver of the fee, based on economic necessity or other compelling reasons. Remember, in addition to legal services fees, immigrants will need to pay filing fees and other immigration related fees. Ideally, the person in charge of the fee reduction and waiver requests should be different from the person who handles the legal service representation. It is wise to document the client's low-income level to reveal the charitable nature of the program's services.

- ❑ **Federal Regulations for BIA-Recognized Agencies.** If your agency is recognized by the BIA, it is required by federal regulation to charge only *nominal* fees. The term *nominal* fees is not well defined. Therefore, BIA-recognized agencies should be aware of what other recognized agencies are charging and set fees within reason so that they do not lose their BIA recognition.
- ❑ **Determine the Services Covered.** Establish an office policy on what services the agency fees will cover. Given the multiple components of a CIR application, it is advisable for a program to establish separate fees for distinct services. For example, separate fees can be established for the following:
 - *Screening and consultation on eligibility*
 - *Application preparation (including preparation of affidavits and declarations)*
 - *Application preparation, filing, and representation through the decision*
 - *Preparing a waiver application for a ground of inadmissibility*
 - *Representing complicated cases that require more time, such as ones with criminal convictions*
 - *Representing the client in a CIR interview, and*
 - *Preparing and representing the client in an appeal of a denial of the CIR application.*
- ❑ **Collect Fees Up-Front.** Clearly show and explain the fees to the client using the program's Fee Schedule. The fees also should be outlined in the retainer agreement. Collect

Did You Know?

Chapter 7 of CLINIC's *Managing an Immigration Program: Steps for Creating and Increasing Legal Capacity* is dedicated to messaging and marketing to different audiences. Download it out for free on CLINIC's website.

all program fees up-front for services that will be rendered in a brief time—several weeks or less. Do not provide legal services and then ask for payment.

- ❑ **Do Not Collect Cash.** Establish an office policy against accepting cash for services, as it could lead to misappropriation of funds. Ensure you not only establish financial controls with guidance from the agency's comptroller, but also adhere to them.

- ❑ **Receipts and Record Keeping.** When the fee is paid, make sure the client receives a receipt for payment, that a legible copy is kept in the case file, and a third copy for the accounting department. Make sure the client understands how long the USCIS adjudication process will take and emphasize that your office makes no guarantees about the outcome of the application.

X. PROVIDE INFORMATION TO THE COMMUNITY

As soon as the law passes, conduct public information sessions on the eligibility requirements for immigration benefits under the new law. Hold the sessions in communities or parishes that have the greatest number of undocumented people. Hold information sessions on either evenings or the weekend, when potential applicants are better able to attend.

During the information sessions, advise the undocumented about basic eligibility requirements for the program and how to file their own applications without having to resort to *notarios* or immigration consultants. Consider incorporating a screening session into the information sessions whereby trained staff or volunteers screen people to determine general eligibility. If the screeners determine that certain people are eligible to file an application, provide each eligible person with a flyer advertising how to make a one-on-one appointment or attend a group processing workshop on another date along with a checklist of documents to gather and bring to the group processing workshop.

XI. PROVIDE HIGH QUALITY, EFFICIENT, AND TIMELY LEGAL SERVICES

During IRCA, there were frequently long waits at charitable immigration programs as programs sought to provide thorough services to clients. Because they grew tired of waiting and wanted their permanent residence as soon as possible, many people went to unscrupulous immigration consultants and *notarios*. Thus, it is critical that programs focus not only on providing quality immigration services, but also on efficiency and handling a high volume of applications.

Did You Know?

The Justice For Immigrants campaign's website has additional materials on advocating for CIR. Visit www.justiceforimmigrants.org and select "Take Action" to join the campaign.

Disseminate handouts that explain the process so that clients come to your office prepared to complete applications. Develop an efficient screening process and case selection protocol. Case screening is a key part of the entire process because it determines a person's eligibility to apply to document his/her status and whether to commit agency resources to the case. As stated before, it is advisable to prioritize clients who are 100 percent eligible, 100 percent ready with documentation, and have already paid for the legal service and DHS application fee. Refine all of the processes to provide accurate screening of clients, strong case management, and meticulous, thorough quality control. Strong systems will result in better services.

Conclusion

This manual is intended to be a starting point for discussion on preparing an immigration legal service program for a future CIR program. It is not the final word on how to set up a CIR program within an existing agency, nor does it offer complete guidance for starting an immigration program. Instead, it seeks to start a dialogue among the leadership and the frontline staff of the agency on preparation for what will be a consuming challenge. Directors who involve frontline staff, volunteers, and partner agencies in creating an effective CIR program will be the most successful.

The more time devoted to preparing for a future CIR program, the better situated an agency will be to respond in a competent and efficient manner when the law changes.

Afterword

“Hospitality... means primarily the creation of free space where the stranger can enter and become a friend instead of an enemy. Hospitality is not to change people but to offer them space where change can take place. It is not to bring men and women over to our side, but to offer freedom not disturbed by dividing lines. It is not to lead our neighbor into a corner where there are no alternatives left, but to open a wide spectrum of options for choice and commitment... to convert hostility into hospitality requires the creation of the friendly empty space where we can reach out to our fellow human beings and invite them to a new relationship.”

—Henri J. M. Nouwen

The United States finds itself at a critical moment in its rich immigrant history. Thirty-three million foreign-born people reside within America’s borders, striving to achieve their own part of the American dream. Immigrants worship in the country’s houses of worship, make economic contributions to its markets, send children to its schools, and bring new traditions and languages to its streets. Due to demand for their labor and their desire to reunite with family members, immigrants can be found from Portland, Maine to Portland, Oregon.

The United States’ demographic shift is evident whenever one watches television, shops in a grocery store, or calls a phone service with multiple language options. The nation’s increasing diversity affects the daily life of all U.S. residents, and no one is untouched by the associated opportunities and challenges.

A manual devoted to preparing for comprehensive immigration reform would thus be incomplete without commenting on the great need for a coordinated plan to integrate immigrant and receiving communities across the United States. Faith-based and immigrant-focused organizations have made great strides in recent years on key issues that affect immigrants, including resettlement of vulnerable refugee populations, remedies for victims of domestic violence and human trafficking, and increased rates of citizenship. However, integration—while typically viewed as an important goal—lacks a similarly coordinated and focused approach. An integrated community offers its residents immense benefits, including equality, security, a

sense of belonging, and access to resources. All of these benefits protect community members against the many threats that frequently plague immigrants. The time has come for integration to be taken as seriously and with as much purpose as other issues confronting the immigrant population.

In the absence of a federally-led immigrant integration policy, large-scale institutions (such as the Catholic Church) must strategically and purposefully pursue immigrant integration. In the months following the passage of the 1986 Immigration Reform and Control Act (IRCA), organizations that worked with immigrants to help them legalize their status did not maximize integration opportunities, and thus lost the chance to engage hundreds of thousands of people in long-term integration efforts. Today, with the immigrant population continuing to grow, efforts to engage local immigrant communities and create space for integration to take place are needed more than ever.

The hard work of creating an integrated community happens at the local level. It is the local ministers, social workers, immigrants, teachers, and other residents who work together to create a space where integration can happen. Integration is inherently a localized effort; therefore, a blanket strategy for all communities cannot be prescribed. However several common principles can still be drawn. Integration:

- *Is a complex social process.*
- *Requires time and should be viewed as a process that spans more than one generation.*

- ***Is a multi-directional process requiring the participation and buy-in of various community groups.***
- ***Takes place at the local level. A community's efforts must be designed with local characteristics in mind.***
- ***Should focus on what community members bring to the community, not what they lack.***

Integration programs will not succeed if the goal is to “fix” people. Rather, initiatives should strive to create a community in which all members’ assets are nourished and used to create a more cohesive society. By developing programs that reflect their unique needs and assets, diverse communities can create strikingly similar outcomes. Positive outcomes will include:

- ***Social cohesiveness.*** This can be achieved through an effort to understand the inspiring nexus between American values and norms and immigrant aspirations for their lives in an adopted homeland.
- ***Social justice.*** This can be achieved by working to promote justice and fair treatment for immigrants and other vulnerable populations in the community.

- ***Strengthened families.*** This can be achieved by offering immigrants various social services, including education, health advocacy, federal benefits, and increased access to quality child care.
- ***Civic participation, family unity, and equality.*** This can be achieved by promoting civic engagement, family reunification through immigration, and legal means to represent immigrants in their defense.

Integration remains a key challenge for communities across the nation. Regardless of the success of a comprehensive immigration reform package at the federal level, the need for integration initiatives must be addressed now. The United States’ current demography and the future flow of immigrants demand that churches, community-based organizations, faith-based institutions, the government, and the private sector join together in an effort to create local communities in which all residents feel safe, respected, and involved. Integration efforts must be developed in a purposeful way with a long-term commitment to their success and sustainability. Only in this way will the United States begin to truly reflect the great potential, diversity, strengths, and capabilities of its residents.



CATHOLIC LEGAL
IMMIGRATION
NETWORK, INC.

Catholic Legal Immigration Network, Inc.

415 Michigan Ave., NE Suite 200, Washington, DC 20017

202.635.2556 202.635.2649 fax

email national@cliniclegal.org

www.cliniclegal.org