Script for Large-Scale Immigration Legal Service Delivery Model for Administrative Relief on Prezi Format

Introduction

CLINIC advocates for comprehensive immigration reform in particular addressing the needs of the undocumented population. CLINIC looks to how charitable-based immigration legal services can be delivered on a large-scale regardless of what major immigration reform is passed by Congress in the future. At present, immigration advocates and service providers are engaged in planning to implement the forms of administrative relief announced by President Obama on November 20, 2014. Forms of administrative relief include Expanded Deferred Action for Childhood Arrivals, Deferred Action for Parental Accountability (DAPA) and expanded I-601A Application for Provisional Unauthorized Presence Waivers. These are just a few of the sweeping forms of changes announced by President Obama. In total, up to 5 million undocumented immigrants may benefit from different forms of administrative relief starting in 2015.

A community-wide approach with resources and collaboration from many legal and non-legal institutions is essential to serving as many low-income immigrants as possible. As such, CLINIC provides this dynamic, graphic presentation titled, “Large-Scale Immigration Legal Service Delivery Model for Administrative Relief.” The model is presented in the form of a Prezi, a storytelling tool for presenting ideas on a virtual canvas. Narration is provided throughout the Prezi to guide you through the process of administrative relief for the immigrant receiving this benefit.

The purpose of the model is intended as a teaching tool to help local organizations share their similar and dissimilar expectations for implementing immigration reform so true collaboration can be achieved. It is also provided to emphasize the complexities along the path immigrants take in seeking to acquire an immigration legal benefit, especially their first in documenting themselves before the U.S. government. CLINIC believes that careful planning and resource rich efforts using human capital and technology will allow local communities to respond successfully to the needs of immigrants at critical times.

It is recommended that you view the Prezi in its entirety by pressing the “play button.” This will activate the Prezi and the narration. It is recommended that you not move the Prezi around until the very end as this will disrupt the presentation. Just turn off your speakers if you want to bypass the narration.

If you would like to view specific parts of the Prezi, you can do so by dragging the blue button, located right below the CLINIC logo, and scroll to the part that you would like to revisit. A small image will appear and you may select to revisit that part of the Prezi. You may also use your mouse to zoom into a particular area that you want to see. You can access the zoom in and out icons by hovering your mouse by the right side of the Prezi screen.

Large-Scale Immigration Legal Service Delivery Model for Administrative Relief
This diagram models how undocumented immigrants seeking administrative relief can be well-served when different community partners bring together their expertise and professionalism. The purpose of the diagram is to encourage broad community investment in implementing various forms of immigration legal outreach and direct services. The benefit will be long-term support for the foreign-born, stronger institutions that serve them and more integrated communities.

Viewing and listening to this diagram model is easy. You can zoom in and out of the diagram by clicking the magnifying glass that will appear on the far right of the screen when you hover the arrow of your mouse on the images. To go side to side, click on the corresponding right or left arrow on the black bar. You may also “glide” around the diagram by using the arrow of your mouse. To view the complete diagram model, click on the icon of the house. The narration for each corresponding part of the diagram will begin automatically.

**Immigrants**

Immigrants receiving administrative relief are the focal population in this diagram. Undocumented immigrants and those out of status have barriers to accessing accurate information and affordable immigration services. As such, models of service such as this one need to be designed from the immigrant’s perspective and needs. The complexities of administrative relief announced by The White House require models to prioritize thorough screening to ensure each individual seeking assistance has their immigration histories examined and all benefits considered and weighted as to which is best in the eyes of the immigrant. It is important to note that immigrants, those with and without documentation, are not only the focus of service delivery models but are also potential contributors, providing their skills and organizing efforts to make the model work.

1. **Training**

Local service providers need training on general immigration law and special benefits offered through administrative relief. Quality training for service providers in turn helps the immigrant community to access accurate information and provides them with protection from unscrupulous, unauthorized practitioners of immigration law. As the phrase goes, “the wrong help can hurt.” Harmful consequences include loss of immigrants’ time, money, access to a benefit, or ability to remain in the U.S. Training helps to reduce unauthorized practice of immigration law, serve immigrants competently and professionally, and build a larger field of immigration legal service providers for our nation’s immigration needs now and in the future.

What?

Training needs to be comprehensive; it should not just include the provisions that are being offered through administrative relief. Undocumented immigrants may have complex family histories and migration circumstances that make them eligible for more than one form of administrative relief or another immigration benefit altogether. Practitioners and trained
volunteers with broad knowledge of immigration law, using well-crafted screening tools, should be able to determine what the best option is for each immigrant seeking a legal status.

Who?

Practitioners need swift and affordable access to high-quality training. Training needs to be open and appropriate for different types of service providers including new legal representatives and non-legal practitioners, whether they are paid staff or volunteers. This is not to encourage the unauthorized practice of law. Rather, all have important roles to play in making a large-scale immigration legal initiative a success. Training can be accessed in-person or remotely using online tools including short, narrowly-focused webinars and longer, more intense, distance-based “e-learning” courses, whether self-guided or facilitated by an instructor with a group of students.

2. Public Education

Public education is intended for the public at large and also stakeholders who will lend critical support. Immigration advocates cannot assume that all stakeholders with resources to contribute share the same values about serving the foreign-born, particularly the undocumented. In a sense, public education to targeted stakeholders is done to inform, change hearts and minds, and “open doors” so the initiative is a success with a long-term impact.

- Public spaces are where stakeholders and immigrants congregate and attention can be paid to important service announcements. Examples of public spaces for public education include work places, schools, libraries, places of worship, recreation centers and shopping centers. The venue and host will determine how detailed is the public education message. These public spaces are also prime locations for offering large-scale services due to the availability of parking, access by public transportation, large meeting rooms with kitchen and restrooms, wifi and other office equipment.

- Government elected and appointed officials are critical for conveying a positive political message in support of administrative relief and immigrant inclusion into American society. Government has the ability to disseminate information on a large-scale and to potentially use space and public funds in support of the initiative.

- Individuals of various professions and affiliations are needed for their skills and time, particularly if they are experts in immigrant community organizing, immigration law, event planning, mass communication and social media, information technology and fundraising. Bridging the skills of immigrant advocacy specialists and legal practitioners (attorneys and Board of Immigration Appeals accredited representatives) is essential to build a collaborative for a large purpose such as administrative relief. Individuals not to be overlooked are the unauthorized practitioners, also known as notaries, who need to be restrained from taking advantage of undocumented immigrants seeking services as a result of administrative relief.
- Institutions, similar to public spaces, are places where stakeholders and immigrants congregate but more specifically receive technical information and services. Institutions listed in this diagram can be recruited to disseminate administrative relief messages and refer undocumented immigrants to competent service providers. These institutions may also provide space, human resources, technology and money to support the initiative. Reaching the person who is the chief decision maker in the institution is often necessary to introduce a new issue to the institution’s workload.

3. Outreach Methods

Outreach is intended chiefly for the undocumented immigrant population that is expected to benefit from administrative relief. It is similar to public education but more targeted to draw out those who are potentially eligible, dispel myths, inform them about the requirements and benefits, assist them in organizing their documents and payment for services, and connect them to quality nonprofit service providers.

As administrative relief benefits are made available in stages, so too will outreach and targeted messages. Expanded DACA will be open for applications 90 days following the November 20, 2014 presidential announcement. Deferred Action for Parental Accountability will be open 180 days after the announcement. Other benefits in administrative relief will wait until regulations are final. Therefore, thoughtful timing and clarity in the messages are important. This is true also for different steps in the service delivery model when pre-screening, screening, and application assistance can be scheduled and applications filed according to the federal government policy.

Service providers need to work with experts who know how immigrants of different nationalities, languages and literacy levels can best hear outreach messages and be empowered through mass media and English and non-English outlets, including social media. The goal of outreach is to better educate and prepare immigrants thereby making the service delivery model more efficient.

Outreach methods listed in this diagram should help community organizers, legal experts and mass communication outlets work collaboratively for a common purpose.

4. Pre-Screening

Pre-screening serves the purpose of making the service delivery model more efficient by helping immigrants to self-identify their potential eligibility for administrative relief, organize their documents as evidence, and discern which benefit is available and best for each person, even if in the same family. Immigrants may be pre-screened by trained professionals, trained volunteers with professional oversight or online tools. Then, immigrants advance to the next steps in the service delivery model as 100% eligible, 100% prepared and 100% able to pay for their services and application fees. Others may be deemed potentially eligible but need further evidence. Those who are not eligible will be well-served with information that protects them from
deportation and prepares them for the possibility of a future immigration benefit. Achieving this helps place limited human resources where they can best be utilized.

Pre-screening can be practically and successfully achieved on a large-scale when professionals and volunteers with language skills use a well-crafted pre-screening tool and are supported by an immigration legal expert. The following must work in concert to make this a highly functioning team: 1) volunteer recruitment and management, 2) intensive immigration law training, 3) protocols and procedures, 4) forms and integrated databases, and 5) immediate access to legal expertise.

This diagram lists different online and in-person screening options from the one-on-one legal representative model to large group application workshops. The models selected will depend greatly on the need to serve large numbers of people at one time, the human and technology resources available and the willingness of immigration service providers to innovate for the purpose of serving a maximum number of people. Innovation includes the use of online pre-screening and application assistance tools.

5. Full Screening

Full screening is offered for immigrants who are pre-screened-in to receive face-time with an immigration legal expert. Some may need to come to full screening if pre-screening could not sufficiently determine their eligibility. This step is not just an additional layer added, but one that is essential to affirming eligibility and setting the stage for the immigrant to become a *bona fide* applicant. Full screening helps to determine that the benefit the applicant seeks is the best option and the consequences of applying are fully understood. Completed full screening moves the immigrant to the all-important, next step – an appointment with a legal representative for completing and submitting an application to the Department of Homeland Security’s U.S. Citizenship and Immigration Services. Depending on the model and time permitted, full screening can be part of the same stage with completing and submitting an application. This reduces the number of times an applicant needs to appear for an appointment with a local service provider.

6. Immigrants are Scheduled for Legal and Auxiliary Services

At this stage the applicant meets with an immigration legal expert to complete a USCIS application for the benefit he or she seeks. The model may have applicants come for a one-on-one appointment; a small to medium sized, in-office clinic; or a medium-to-large group application workshop. Regardless of the model, the applicant comes informed, eligible, ready, and prepared to pay any service delivery fee as well as the USCIS application filing fee.

At the beginning of this stage, the immigrant signs either a waiver or a Client Agreement. Signing a waiver specifies that the service provided is in the form of limited scope representation (meaning the applicant consults a legal representative but applies on his or her own, also called *pro se*, or in their own voice). Legal representatives need to be informed about the rules of professional conduct for the state bar in which they are licensed.
A Client Agreement is provided when the legal representative offers more than limited scope representation, specifying to what extent and under what conditions representation will be provided. Either a waiver or a Client Agreement is signed with copies shared between the two parties. It is necessary to have both types of documents in English and in the applicant’s primary language.

If service fees are accepted, it is typically at the stage of signing a waiver or a Client Agreement. As a note of caution, it is a best practice to avoid accepting cash as payment for services. It is also a best practice for persons taking payment to be non-legal staff rather than the legal service provider, following auditor-approved checks and balances such as giving the applicant a receipt and placing receipt copies in the file and with the parent agency’s accounting department.

These recommendations maximize a non-profit’s mission to serve the most eligible people and serve them professionally. One way to look at this stage is as a dignifying and life-consequential time for the undocumented immigrant.

Undoubtedly, undocumented immigrants will present not only their immigration legal histories but other needs as well. These needs may include tax preparation and filing assistance, high school and GED instruction, native and English-language literacy, financial literacy, job placement and skills training, labor and housing abuse claims, family and addiction counseling, and more. As such, an integrated initiative addressing the many facets of life confronted by the undocumented will need to have well-functioning referral systems.

7. Filing

The service delivery model will guide the decision as to when an application is ready to be submitted to USCIS and which party is responsible for properly mailing it. This decision should be made by a senior member of the agency overseeing the program model. In the case of providing limited scope representation assistance under a signed waiver, the applicant is expected to mail it. When providing legal representation, a professional will mail the application for the client and also submit to USCIS a G-28 (Notice of Entry of Appearance as Attorney or Accredited Representative). The G-28 allows the legal representative to track the application’s progress and be the applicant’s legal advocate. In any model of service, the applicant is given a copy of the completed and signed application. When representation is given, a copy is retained by the agency employing the legal representative. An electronic copy is retained if a case management database produced the form. Holding onto these copies is important for follow-up services. How long to retain client files is guided by the state bar’s Code of Professional Conduct.

These procedures are important for upholding professional ethics and duties and respecting the client’s role. It bears repeating that filing an application for administrative relief is a legal document requiring the applicant to sign that everything submitted is accurate and true. There are significant consequences for submitting false or misleading information to the federal government. In the case of immigration, these consequences include loss of eligibility for a benefit, loss of time and money, and worse, deportation from the U.S.
A grant of administrative relief results in a number of inter-connected events and processes. Administrative relief provides temporary, legal documentation; avoidance of deportation absent certain crimes; work authorization; and the opportunity to re-enter the U.S. under certain conditions after traveling abroad. These benefits will undoubtedly stabilize families and communities, resulting in greater economic advantages for the undocumented population and empowering them.

Immigrants documented under administrative relief will need to renew their status after the three year period of benefits granted, especially if comprehensive immigration reform or a better immigration status isn’t available. Those with administrative relief need to learn the benefits but also the limits of their status and the need to maintain eligibility if/when renewal is available to them. Therefore, approved applicants need to be connected to frequent information about immigration changes that will impact their status. This includes information about advocating for comprehensive immigration reform so the American immigration system can be better functioning, more humane and serve the nation’s interests for generations to come.

8. Follow-Up

Follow-up actions are inevitable whether submitting an immigration application *pro se* (in your own voice) or with legal representation. USCIS can adjudicate different outcomes. Some outcomes may be unanticipated. Good legal screening and counsel should minimize surprising outcomes.

A challenge for large-scale immigration legal initiatives how to assist a maximum number of people to apply for administrative relief when lacking sufficient human resources to provide follow-up legal services. This can create a strain in a collaboration, especially if one organization fails to provide quality screening and services, resulting in applicants receiving Requests for Evidence or denials from the federal government, and then going to other organizations for help in solving the problem, when in fact, some problems can’t be solved.

This diagram lists some of the likely scenarios for applicants applying for administrative relief. These include: approval; Request for Evidence; pending for lengthy periods of investigation; denial; and/or removal proceedings.

The Client Agreement, when used, must specify the scope of representation offered so the applicant knows when the legal service he/she paid for ends and when a new Agreement must be entered into for additional services such as being represented in a USCIS interview or appearing before an Immigration Judge for removal proceedings.

Follow-up activities also include updating the client file whenever USCIS takes action on a case such as approving, denying or seeking more documentation. Again, USCIS action may require more legal services. Legal representatives should follow USCIS decisions as data points to note trends and inform advocates on how to improve the application process for service providers and government adjudicators.
9. Case Maintenance

Community organizers will want to keep track of administrative relief on a person-to-person basis as much as possible to help include newly documented immigrants in their advocacy efforts. Legal representatives will want to maintain databases of approved applicants and be in contact with them as the Client Agreement requires. It is common for clients to have questions well after an application is filed or approved. An organized way to stay in contact with former clients is to offer an annual check-up appointment as well as meeting them at the time of renewal. Up-to-date cell phone numbers and email addresses help. It is possible that changed circumstances may open up an immigration benefit that wasn’t previously available when they applied for administrative relief.

A database of people not currently eligible for an immigration benefit, but possibly eligible for a future immigration benefit, will be useful for when comprehensive immigration reform is passed.