



CATHOLIC LEGAL
IMMIGRATION
NETWORK, INC.

Starting a Legal Immigration Program: Capacity Building in a Charitable Community Agency



Starting a Legal Immigration Program: Capacity Building in a Charitable Community Agency

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Acknowledgements

This guide is designed to give an overview of essentials for starting and sustaining a charitable community-based legal immigration program. The approach of the guide is general to accommodate local realities.

This document builds on the work advanced in CLINIC's manual titled *Managing an Immigration Program: Steps for Building and Increasing Legal Capacity* and taught in CLINIC's immigration program management classroom and webinar trainings. Since 1997, CLINIC has used this 159-page manual to provide management training and program support to organizations and individuals seeking guidance in starting new legal immigration services or improving the services they already offer.

RESOURCE: See <http://cliniclegal.org/resources/managing-immigration-program>.

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About CLINIC

Mission Statement:

To enhance and expand delivery of legal services to indigent and low-income immigrants principally through diocesan immigration programs and to meet the immigration needs identified by the Catholic Church in the United States.

CLINIC fulfills its mission by:

- Providing a full range of legal and non-legal support services to affiliated agencies comprised of nonprofit legal immigration programs. Affiliates serve poor immigrants seeking family reunification, citizenship, and protection from persecution and violence.
- Creating, funding and managing direct legal service projects that are national in scope and thus supplement local member agency capacity or expertise.
- Representing archdioceses, dioceses, and religious congregations that need foreign-born priests, nuns and lay religious workers to serve immigrant communities in the United States.
- Working in collaboration with the United States Conference of Catholic Bishops to advocate with the DHS, EOIR and the DOJ to improve immigration policies and practices.

Background

In 1988, the United States Conference of Catholic Bishops (USCCB) established CLINIC as a legally distinct 501(c)(3) organization to support a rapidly growing network of community-based immigration programs. CLINIC's network originally comprised 17 programs. It has since increased to 173 diocesan and other affiliated immigration programs with 282 field offices in 47 states. The network employs roughly 1,200 attorneys and "accredited" paralegals who, in turn, serve 600,000 low-income immigrants each year. CLINIC and its affiliates represent low-income immigrants without reference to their race, religion, gender, ethnic group, or other distinguishing characteristics.

Principle of Subsidiarity

CLINIC's mission and activities are guided by the Catholic principle of subsidiarity. Subsidiarity leads CLINIC to respect the roles and capacities of its community-based member agencies. It encourages them to assume as much responsibility for local needs as they can. This allows CLINIC to focus its resources on needs that local member agencies cannot meet. In this way, CLINIC maximizes the productivity of its programs nationwide.

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The Need for Charitable Legal Immigration Services

Current capacity does not meet current demands for low-cost legal representation in immigration matters. For instance, immigrants eligible and soon-to-be eligible to naturalize as U.S. citizens have less income, education, and English language ability than immigrants who naturalized in previous decades.¹ Furthermore, any significant changes in current immigration law will greatly increase demand for services. One possible change is comprehensive immigration reform (CIR) with an earned pathway to citizenship for an estimated 11.9 million undocumented immigrants² (commonly referred to as “legalization”).

Lawyers working in private practice and at nonprofit agencies are the major legal service providers to persons in need of legal representation, including non-citizens seeking immigration-related services. Lawyers specifically concentrating in the field of immigration law include the 11,000 members of the American Immigration Lawyers Association, as well as thousands of others who focus on immigration law as their primary practice area. For low-income immigrants, however, legal representation through the private bar is often not an affordable option, as Legal Services Corporation (LSC) “alienage” restrictions on LSC-funded agencies prevent them from providing low-cost services to many non-citizens, including most of the undocumented.

Because of these limitations, many low-income immigrants seek services from other nonprofit agencies, many of which are faith-based and often provide a wide array of both social and legal services. In many instances, these agencies are staffed by non-attorney legal workers who provide both counseling and direct services to clients. In the field of immigration law, non-attorney legal workers may be authorized to provide legal services to the same extent as an attorney if they become what is known as an “accredited representative” and work for a nonprofit agency that has applied for and received “recognized agency status.” Information about the requirements for obtaining this status is included in Appendix 1. To date, there are approximately 700 nonprofit offices with recognized agency status, and approximately 650 persons with accredited representative status. Nearly one-third of the recognized agencies are affiliate programs of CLINIC.

RESOURCE: CLINIC provides consultations to its affiliates on the BIA agency recognition and staff accreditation application, while there is a free, on-line toolkit available to the public at: <http://www.cliniclegal.org/resources/toolkit-bia-recognition-accreditation>.

These 650 accredited representatives, along with the many private attorneys who practice immigration law, make up the universe of authorized legal service providers to persons in need of immigration legal counseling and representation. While this may sound like a large number of authorized legal service providers, it is not even remotely large enough to assist the estimated 11.9 million undocumented persons residing in the U.S. who may qualify for any future legalization program. In addition, the greatest number of legal service providers for immigrants tend to be concentrated in large urban areas, leaving many parts of the country with sizeable immigrant populations either greatly underserved or without access to services entirely.

Many documented immigrants who are unable to find affordable and accessible legal services turn to unauthorized

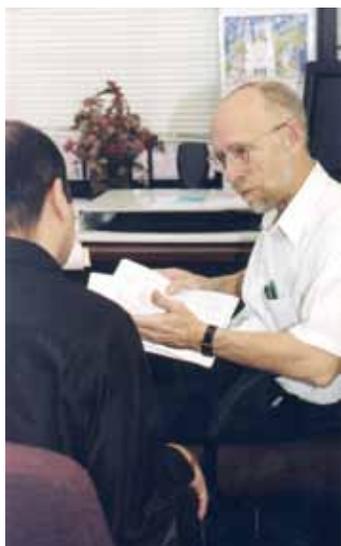


¹ Passel, J.S. Growing Share of Immigrants Choosing Naturalization (Washington, DC: Pew Hispanic Center, March 28, 2007), p. 11.

² Passel, J.S. and D’Vera, C. Trends in Unauthorized Immigration: Undocumented Inflow Now Trails Legal Inflow (Washington, DC: Pew Hispanic Center, October 2, 2008), p. i.

service providers (referred to in many Latino immigrant communities as “*notarios*”).³ These notarios and other unauthorized practitioners often charge high fees for their services and put their clients at risk of deportation by filing applications for benefits for which the immigrant may not be eligible. For these reasons, a significant expansion in the number of affordable, competent, and authorized legal service providers is needed, as well as the development of new nonprofit programs, to ensure that immigrants have the legal services they need.

The Solution



LAURA SIKES

At a minimum, a four-pronged approach is needed to expand the availability of charitable legal immigration services.

First, authorized legal immigration providers need to increase their services through a greater number of attorneys, BIA accredited representatives, and BIA recognized sites where services are provided.

Second, existing immigration legal service providers that

lack attorneys or BIA accredited staff, and are therefore unauthorized to practice immigration law, need to obtain recognized agency status and staff accreditation in order to provide competent, authorized services to immigrants.

Third, immigrant services organizations not providing charitable legal immigration assistance should explore adding such services, especially in geographic areas where there are few, if any, authorized practitioners offering low-cost legal representation.

Fourth, new immigrant services organizations and programs need to be created where they are lacking or where existing capacity cannot accommodate projected demand in the event that CIR is enacted.

Currently there are faith-based⁴ and non-faith-based networks⁵ providing various forms of immigration legal assistance. In addition, there are independent, “stand-alone” programs, faith-based or not, unattached to national networks. There is a potential for growth among networks and independent programs. These networks and independent programs will have to expand greatly to meet the challenge posed by any immigration reform legislation. Forging new networks will be necessary.

The capacity to deliver immigration services during the last legalization program, the Immigration Reform and Control Act (IRCA) of 1986, was quickly overwhelmed and new capacity had to be developed from agencies doing immigration-related tasks such as refugee resettlement. Approximately 1.65 million IRCA applications were approved by the Immigration and Naturalization Service. The immigration legal services capacity that exists today owes its existence in large measure to the boost received during the implementation and follow-up to IRCA. Similarly, the next legalization program will undoubtedly produce a substantial increase in immigration legal services capacity based on the estimated 11.9 million undocumented immigrants.

To maximize the scope and quality of this increase, it is important to plan for and deliver new services in a fashion superior to the last legalization.

RESOURCE: CLINIC offers a free publication to help organizations plan for immigration reform titled, “*Preparing for Comprehensive Immigration Reform: An Earned Pathway to Citizenship and Beyond*” found at: http://cliniclegal.org/sites/default/files/CLINIC_LegalizationManual_web_0.pdf.

³ Notario Publico is a term used in Mexico and other Latin American countries for someone who is authorized to provide legal assistance in civil matters.

Thereby the term used in the U.S. can easily mislead immigrants to think that the person is equally authorized and knowledgeable to assist them in filing immigration forms to the U.S. government. In the U.S., a notary public is someone legally empowered to witness signatures, certify a document’s validity, and take depositions – unlike the “*notario publico*” abroad, the notary public is not authorized to provide legal assistance in the U.S.

⁴ The faith-based networks include: Baptist Immigration Services Network, Catholic Legal Immigration Network, Church World Service, Ecumenical Migration Ministries, Hebrew Immigrant Aid Society, Justice for Our Neighbors, Lutheran Immigration and Refugee Service, Mennonite Central Committee, and World Relief.

⁵ A non-faith-based networks include: International Rescue Committee, National Network to End Violence Against Immigrant Women, UFW Foundation, U.S. Committee for Refugees and Immigrants, and numerous ethnic-based mutual assistance association networks like Boat People SOS.

Key Elements for New Programs

Needs Assessment

The starting point for creating a new program, or advocating for the expansion of an existing program, is a needs assessment. For an immigration program, a needs assessment will include (a) demographic information indicating a local population that needs services, and (b) information on existing services and whether they meet the immigration legal services needs of the population to be served.

Several resources are readily available to help assess the number of noncitizens, and the undocumented population within this group, living in a particular area. The U.S. Census Bureau's American Fact Finder web-based tool, at www.factfinder.census.gov, includes detailed census data tracked by city, state, and other criteria. The U.S. Census Bureau also conducts the American Community Survey which includes data on the foreign-born. Other Census-based reports addressing where immigrants reside and the number of undocumented immigrants are available from the Pew Hispanic Center (www.pewhispanic.org) and the Migration Policy Institute (www.migrationpolicy.org).



Another key source of information on both demographics and available resources is focus groups that may include: (1) local civic leaders, such as mayors, members of the board of supervisors, sheriffs, and police chiefs, (2) school representatives such as English as a Second Language (ESL) and General Equivalence Degree (GED) teachers and guidance counselors, (3) public and private health care providers, (4) leaders of faith-based programs and places of worship, and (5) program officers at foundations that support immigrant integration. Convening community meetings made up of these individuals is also a way to develop local support for any new or expanded program

and links to possible funding opportunities. While there is no current guide listing all community-based organizations nationwide offering immigration legal services, the Board of Immigration Appeals' roster of recognized agencies and accredited representatives is a good source for documenting where recognized agency programs are located – and by inference where they are not – and the number of accredited representatives on staff. This listing, organized by state and city, may be found at: <http://www.usdoj.gov/eoir/statspub/recognitionaccreditationrosterwithstatecity.pdf>.

Parent Agency Support

Building agency support from its leadership is the most critical step in program creation. This requires educating the board of directors and agency executive director about the need and proposed solution. A compelling way to build agency support is by writing a business plan for program creation, design, and sustainability.

RESOURCE: See Chapter 1, “Building Agency Support for an Immigration Legal Program” in *Managing an Immigration Program* by CLINIC. Chapter 1 includes a sample business plan which can be modified to fit different local realities.

Building support for a new program within a larger structure usually requires financial commitment from the parent agency before acquiring additional funding. A start-up budget helps agency leadership understand the scope of the financial commitment needed. A sample budget for a start-up immigration program is included as Appendix 2 of this guide. This budget assumes parent agency support and a modest program with one full-time staff person.

Local Buy-in if No Parent Agency Exists

Quite a few immigration programs have been started without a parent agency. The first step is forming the nonprofit corporate structure and obtaining tax-exempt status (Internal Revenue Service Code section 501(c)(3)). These programs have more start-up costs and program management responsibilities than those operating under a parent agency. On the other hand, they may enjoy more freedom with respect to fundraising, priority setting, and program operation.

Securing Space, Equipment and Tools

Key concerns when deciding where to locate the program's services include: (1) accessibility for the target population, (2) appropriate space for a waiting area and offices to conduct confidential interviews with clients, (3) security for confidential information, and (4) capacity for expansion if CIR is enacted. The most important equipment acquisitions are computers and immigration legal software. Immigration software programs include immigration forms used to apply for immigration status or benefits and case management

programs that help the service provider track information about clients served, types of services provided, and case deadlines.

RESOURCE: See Chapter 2, “Space, Equipment and Tools” in *Managing an Immigration Program* by CLINIC.

Given the mobile nature of the client base and increased concerns about managing client information, many providers are turning to Internet-based systems. This trend is helpful for a variety of reasons, especially for providing services from different locations and allowing supervisors to review their staff’s work remotely. Internet-based systems are attractive for another reason: given the complexity and long timelines involved in various proposals for CIR, it is likely that applicants will move from one community or state to another while going through the legalization process. Internet-based systems will allow a provider to access client



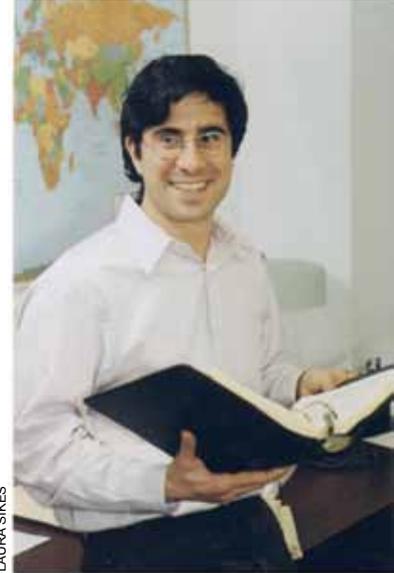
CATHOLIC CHARITIES OF HARTFORD

information over the Internet and continue providing high quality legal representation as clients move. Internet-based systems are also useful for staff operating out of several sub-offices at different times. Furthermore, this tool is useful when providing legal immigration services using the group application workshop model with laptop computers in a community setting.

RESOURCE: See details on the benefits of using legal immigration case management software or a web-based system at <http://cliniclegal.org/sites/default/files/Immigration%20Management%20Software%202010.pdf>.

Hiring Program Staff

The core resource of a new program is its staff. Great care should be taken to hire qualified staff or individuals who can rapidly become so. Position descriptions should be crafted with the assistance of another community-based organization with an established legal program and a proven track record. These organizations may share job descriptions, position announcements, local recruiting tips and salary guidelines. The hiring process will probably benefit from using a panel of reviewers to screen the resumes and writing samples, check references, and conduct the interviews.



LAURA SIKES

As mentioned above, federal immigration regulations permit non-lawyers to practice immigration law.⁶ Many immigration legal services programs are primarily or exclusively staffed by non-lawyers because it is a lower-cost staffing option and one that may allow the program to attract a larger pool of potential non-attorneys to represent clients.

RESOURCE: See Chapter 3, “Staffing Your Immigration Legal Program” in *Managing an Immigration Program* by CLINIC.

Program Protection: Liability and Malpractice Insurance

Immigration law can expose the nonprofit agency – even those agencies staffed by non-attorneys – to potential malpractice liability. Some nonprofit agencies notify their general insurance carrier that they are providing immigration services and request that the carrier include coverage for errors made in the provision of these services. Attorney-staffed agencies usually purchase specific malpractice coverage. It is also possible to purchase malpractice insurance to cover the work of BIA-accredited staff.

⁶ 8 Code of Federal Regulations (CFR) § 1292.2(d).

Training

Immigration law is a complex specialty. Although the practice of immigration law often involves the completion of forms, any competent legal worker needs to understand the law behind the questions asked on the forms in order to properly assess a client's eligibility for an immigration benefit. For this reason, all new program staff without a solid background in immigration law need extensive training before undertaking client representation. Training needs to be ongoing and supported by a budget with expenses and staff time allocated against a busy caseload. Practitioners often recommend a total of 40 hours of immigration law and program management training, or some combination, every year.

Opportunities for training include the numerous multi-day trainings sponsored by CLINIC and described on the CLINIC website (see below); trainings sponsored by local bar associations, immigration coalitions, and other sister agencies; and web-based trainings. For example, Pro Bono Net, in partnership with CLINIC and other networks, provides a "one-stop" legal immigration support web site found at www.immigrationadvocates.org.



Legal representatives need training on immigration law, particularly BIA accredited representatives who need to renew their accreditation status every three years.

RESOURCE: See <http://www.cliniclegal.org/training-descriptions> for a schedule and description of classroom and web-based training available for the current calendar year.

Peer Observation

New staff, particularly those at start-up programs, will benefit enormously by observing how successful, established programs operate. Local providers can come to the start-up program and share this information. Ideally, however, the new staff member should travel to the established program and observe it directly. This observation – or

mentoring – may last two to three days, but it needs to occur as soon as possible after the start-up program hires staff and opens its doors. New staff will learn from veterans such fundamentals as establishing case selection criteria, interviewing skills, screening clients for immigration benefits, identifying potential obstacles, using case management forms and software, and giving public education sessions on immigration issues.

Technical Support

Technical support is an essential component of any program, especially for start-ups and organizations applying for BIA agency recognition.⁷ It also is essential for veteran program staff. A new staff member, particularly at a small or remote program, needs to be able to turn to someone who is experienced in immigration law and is skilled at answering questions and providing practical information. Options include having an experienced, authorized practitioner on-site and using toll-free telephonic technical support from veteran immigration attorneys. Some programs use *pro bono* or low-cost technical support from a local immigration attorney. In these cases, the parameters for technical support should be documented in a memorandum of understanding.

RESOURCE: CLINIC provides various kinds of technical support for its affiliates. To become an affiliate subscriber of CLINIC's services, visit its website at <http://www.cliniclegal.org/affiliates>.

Technical support from an experienced practitioner can be supplemented by immigration law listserves. There are several good listserves provided by national technical support organizations. The Immigrant Women's Technical Assistance Project (ASISTA) is a national legal support organization catering to programs that assist immigrant survivors of domestic violence, sexual assault, crime, and human trafficking. It maintains a Violence Against Women Act (VAWA) experts listserve that is a helpful source of question-and-answer support. CLINIC provides a free broadcast e-mail service that includes updates on immigration law and procedure, pending legislation, recent enforcement tactics, and other immigration-related news.

RESOURCE: A list of immigration-related list serves or resources for start-up organizations is attached to this guide as Appendix 3.



⁷ The Board of Immigration Appeals requires a non-profit without attorneys on staff to document how it will access technical support from an immigration attorney or BIA fully-accredited (Level II) representative. See Matter of EAC, Inc., 24 I&N Dec. 556 (BIA 2008), Interim Decision 3614.

Program Funding via Fee for Service

A substantial factor in the growth of the Catholic network of charitable immigration legal programs is their ability to sustain themselves by charging nominal fees for immigration services. A typical program in the Catholic network recovers between 30 to 40 percent of program expenses by charging nominal fees. This is important for program survival and program growth. Grant funding is not as reliable as fees, and a steady stream of fee income helps ensure that the program stays solvent. In immigration law this is critical, as some cases may take years to resolve and the client must count on the agency to continue to represent him or her.⁸

The success of fee-for-service depends, in large measure, on two factors: (1) the type of cases that are accepted, and (2) the extent to which the program collects the fees before services are rendered.

Most successful nonprofit immigration programs sustain themselves by accepting family-based immigration and naturalization cases. These programs do not provide the more labor-intensive services, such as immigration court representation or applications for asylum. Bitter experience has shown that start-up programs can best succeed financially when they avoid – at least in the beginning stages – these more time-consuming forms of immigration relief.

A best practice in managing fee revenue is to charge for services up front. This is not to discourage the use of sliding fee scales, fee waivers, or payment plans in certain circumstances. However, collecting the fees up front is healthy for the client and the program. The client will benefit by committing to the process in a concrete way. The program will benefit by receiving support for its work at the outset and not having to waste precious staff time collecting fees for work already performed.

RESOURCE: See Chapter 6, “Managing Financial Performance” in *Managing an Immigration Program* by CLINIC.

Program Funding via Grants from Foundations, Corporations and the Government

New immigration programs must devote significant time, energy, and money to resource development. The importance of this cannot be overstated. Effective resource development can seem quite intimidating if one has not done it before, but it is a skill that can be learned with practice and research. Most foundations have a lead-time of between three and

six months, so one must plan ahead to make resource development successful.

The first step in resource development is to find out which foundations make grants that align with the organization’s services and geographic location. The best resource for foundation research is the Foundation Center (www.foundationcenter.org). The Center has excellent information about foundations and provides detailed lessons on how to apply for funding. Several community foundations around the country have “satellite” offices of the Foundation Center. The first place to inquire about funding is the local community foundation. Also, look into grant programs run by local and county governments. Grantmakers Concerned with Immigrants and Refugees (GCIR) is a professional association for funders that support immigrant-serving organizations. Although GCIR does not provide any services to grant seekers, the organization’s website does have a listing of its members, sorted by geographic area (www.gcir.org).

It is essential to carefully review each foundation’s application guidelines before contacting it. One of the best ways to introduce an organization and/or project to a new funder is through a one- to two-page “letter of intent,” which briefly describes the problem or unmet need the organization wishes to address, demographic information about the population to be served, how the proposed activities will address the problem, and why the organization needs to build capacity to provide the services described. It is important to mention also how this new project will leverage existing organizational capacity and how the organization will work with other community organizations to prevent service gaps and avoid unnecessary duplication of services. The Foundation Center’s web site has detailed suggestions about how to prepare a letter of intent.

Applying for a grant usually involves more than simply submitting a proposal to a foundation. Effective resource development requires good communication between foundation program officers and the leadership and program staff of the organization. Although each foundation has different application guidelines, it is almost always beneficial to meet directly with the program officer who manages the grants program to which the organization is applying.

After identifying the appropriate program officer and sending him/her a letter of intent, the organization’s leadership may want to request a meeting to let the funder know of the program’s existence and focus and to learn more about the foundation’s goals and areas of interest. A face-to-face meeting will also enable the organization’s representatives and the program officer to discuss the likelihood of immigration

⁸ This does not suggest that a legal representative is continually working on a case for years. Rather, it recognizes that some foreign-born persons wait years after making an application for a visa to become available to immigrate.

reform legislation and how the organization would address the needs for legal services and community education for the undocumented immigrant population. Once funded, it is of the utmost importance to deliver on the promises of the proposal and to comply fully with the foundation's reporting requirements and deadlines.

Seeking corporate funding also requires close inspection of the funder's priorities and restrictions. While corporate funding is charitable in nature, an organization should consider the funder's corporate intent and interests, particularly its brand and image with respect to the target population and services included in the proposal.

Government funding can come from federal, state, county, and municipal sources. Thus, the search can be more complex than seeking philanthropic or corporate funding through the Foundation Center or other funder websites. Government funding may require extensive research on the appropriate department's website. Visit <http://grants.gov>.

It is helpful to talk with current recipients of the specific government funding one is seeking in order to understand the complexities of the application process and any restrictions on spending. Government funding is based on appropriation committee and executive decisions that are subject to available tax-based revenue. Funds can be available one year and not the next depending on the economy and political priorities.

Advocacy

Those who seek to start an immigration program are focused on advocacy in the most concrete terms. In fact, what they are creating is a grass roots advocacy tool. Advocacy may happen in the form of direct legal representation, administrative advocacy directed at government agencies, litigation in court, and messaging through the media.

Advocacy is something that every start-up program must embrace if it is to see its mission of empowering the newcomer come to fruition. While case-by-case immigration representation is the everyday priority, a broader advocacy agenda should inform the work of the program. Advocacy is best performed after the board of directors and staff have made a conscious decision to do it. Working together, they should develop the advocacy priorities for the agency and identify the government agencies and persons to whom advocacy should be directed.

The staff should develop talking points and strategies for dealing with the media, and should actively engage the media, the immigrant community, and the broader society. This is an area where the Internet is very helpful. The following web sites provide helpful information: www.aila.org, www.immigrationforum.org, www.cliniclegal.org, www.nclr.org, and www.nilc.org. The program can turn



the information from these sites into advocacy actions in its community, such as by holding a press conference or asking to be interviewed by the media on an advocacy topic. Staff can also attend trainings on how to communicate the agency's message effectively through the media and how to avoid getting trapped in a media misstatement.

The new program stands to gain the most from affiliating with a local or national pro-immigrant coalition. The maxim that there is strength in numbers is never truer than in immigration law advocacy.

RESOURCE: See Chapter 7, "Building Program Visibility and Credibility" in *Managing an Immigration Program* by CLINIC.

Capacity-Building for Existing Programs

Community-based organizations currently offering immigration-related legal services can build capacity in anticipation of significant immigration reform by taking steps now to obtain legal authorization to counsel and represent immigrants, ensure that systems and staff are in place or can be brought into place quickly, and establish important ties within the community.

Existing programs will also benefit from conducting a needs assessment. This will provide critical information on the need for additional volunteer and paid staff to accommodate

increased demand. Such information will be important in any future funding proposals for additional resources. Agencies that lack BIA recognition or accredited staff should move assertively to obtain it before CIR is enacted.

Existing agencies need to take a close look at their case intake and management procedures. Existing case management software should be fully utilized. If the existing software does not come with sufficient training and technical support from the vendor, then consider switching to one that does. The program needs to insure that it has adequate space, client record storage, and grant reporting capacity.

Agencies should be forming local or regional coalitions and working groups to coordinate services in the event of CIR. Approach the U.S. Citizenship and Immigration Services and other branches of the government that work with immigrants to plan for the potential surge in applicants.



JEFF CHENOWETH

Promoting Immigrant Integration

While this guide focuses on the short-term goal of starting a legal immigration program, it is wise to contemplate how an organization's mission and program design promotes immigrant integration. Clearly, integration is advanced when legal services assist immigrants to enter the U.S., gain employment, and gain the economic self-sufficiency to sponsor family members. These steps help the migrant acquire greater family stability and economic security, and later acquire U.S. citizenship with its many rights and responsibilities.

While immigrant integration chiefly begins and advances through legal benefits, it is important to consider the importance of English language skills, education and job training, home ownership, volunteer work, knowledge of rights and responsibilities before and after obtaining citizenship, contributions to the United States' democratic

principles, and other factors inherent in immigrant integration.

Immigration reform through IRCA in 1986 was an unfulfilled opportunity for greater immigrant integration assistance because immigrant advocacy and service organizations were few, small, and overwhelmed by the new law's impact. Immigration reform to legalize up to 12 million people will be a historic opportunity for the U.S. to demonstrate the strengths of its democracy and rich immigrant culture by establishing a clear pathway to citizenship. Furthermore, the millions of lawful permanent residents (green card holders) currently eligible to naturalize provide another immediate opportunity to advance immigrant integration, even before CIR is enacted.

Immigrant advocates should envision a new legal immigration program as just one opportunity to advance integration within a web of other services and activities. An additional needs assessment of separate integration goals and priorities is important for developing an action plan with resources, interventions, and expected outcomes.

In making an action plan, it is prudent to consider these principles about integration:



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- Integration is a complex social process;
- Integration requires time and should be viewed as a process spanning more than one generation;
- Integration is a multi-directional process requiring the participation and buy-in of the various groups represented in a community, especially the receiving community;
- Integration takes place at the local level and a community's efforts must be designed with the local community's characteristics in mind; and
- Integration efforts succeed best when they focus on immigrant and community assets – not only how immigrants struggle.

With legal immigration services at the core of an integration model, immigrant advocates and community members can expect to see the following outcomes:

- Social cohesiveness;
- Social justice;
- Stronger families; and
- Civic participation and equality.

Conclusion

This guide is intended to encourage new program development, or expansion of existing programs, as a response to current and future unmet needs for affordable and accessible immigration legal services. In particular, the prospect of significant immigration reform requires careful planning, proactive steps, and bold action to prepare for a historic surge in demand for legal services.

APPENDIX 1

REQUIREMENTS FOR OBTAINING BIA RECOGNITION AND ACCREDITATION

One of CLINIC's highest priorities is to encourage and assist nonprofit agencies to take advantage of regulations that allow non-lawyers to practice immigration law. Non-lawyers who work for non-profit agencies may obtain from the Board of Immigration Appeals (BIA) accreditation that allows them to represent clients before the U.S. Citizenship and Immigration Services (USCIS) and the BIA. This provision has allowed many programs to provide low-cost immigration services, thus easing the shortage of quality legal services to low-income immigrants.

Individuals who are helping people with immigration matters should seriously consider applying for BIA accreditation for several reasons. First, accreditation officially authorizes the advocate to provide representation and thus prevents the possibility of the advocate or his or her agency engaging in the unauthorized practice of law. Secondly, accreditation indicates that the advocate is experienced and knowledgeable and thus provides both an assurance to the advocate's clients that he or she is competent to handle their case and a testimonial to the individual's excellent work.

Once an individual is accredited by the BIA, he or she may represent people before the USCIS as a partially accredited representative, and before the U.S. Immigration Courts and the BIA as a fully accredited representative, to the same extent as lawyers. Accredited representatives are also bound by the BIA's professional conduct rules, found at 8 CFR § 3.101 *et seq.* This reflects the great responsibility taken on by immigration lawyers and accredited representatives who must comply with the highest standards of ethics and law. This work affects clients' deepest hopes and dreams, ability to be reunited with their families, and sometimes, particularly for refugees and persons seeking asylum or relief under the Convention against Torture, physical safety or even life.

An individual cannot apply for accreditation on his or her own behalf. Instead, the non-profit organization which employs the individual (or hosts the volunteer) submits the application on the individual's behalf. That organization must already be recognized by the BIA or be applying for recognition together with the application for staff accreditation.

The requirements for agency recognition are the following:

- The organization must be a non-profit religious, charitable, social service, or similar organization.
- The organization must have an independent existence apart from its proposed representative. This means

that the organization must be a legitimate non-profit, charitable organization and not established merely to provide a means through which a non-lawyer can practice law.

- The organization must charge only nominal fees. There is no definition of the term "nominal" for immigration purposes, but it is generally thought of as a low amount.
- The organization must not charge excessive membership dues to persons receiving services.
- The organization must have adequate immigration knowledge, information, and resources at its disposal.

The application packet for an organization seeking recognition should include the following:

- A completed Form EOIR-31, Request for Recognition.
- Copies of the organization's charter, articles, and/or bylaws.
- Evidence of non-profit status, such as a copy of the organization's state non-profit certification and/or Internal Revenue Service 501(c)(3) letter.
- Organizational chart and caseload of staff.
- A copy of the organization's fee schedule for immigration services.
- A statement of the organization's sources and amounts of funding.
- A statement of the organization's immigration knowledge and experience. This statement should describe the number of staff, the experience of each staff member, the supervisory system and system of quality control for staff work, and access to consultation from an attorney or fully-accredited representative, which may be from technical support organizations such as CLINIC.
- A list of the organization's library and online immigration resources, either materials owned by the organization or materials to which the organization has ready access. The library should include, at a minimum, current editions of the Immigration and Nationality Act and the Code of Federal Regulations, and may also include practitioner guides and training manuals, such as CLINIC materials provided at in-class trainings. The list should include periodicals on immigration law that the organization subscribes to, such as the *Catholic Legal Immigration*

News. Also, Internet capability should be mentioned, since advocates can use the USCIS, Executive Office for Immigration Review (EOIR), and other websites to locate immigration regulations, cases, forms, and other helpful information, and can belong to informative immigration listserves.

- A letter of recommendation from an immigration attorney or fully accredited representative who has agreed to provide consultations and technical support, verifying the arrangement. CLINIC prepares such letters noting that the applying organization is an affiliate and receives dedicated services from CLINIC.
- Other letters of recommendation.

Individuals must meet the following requirements to become an accredited representative:

- Experience and knowledge of immigration law; and
- Good moral character.

As mentioned above, a recognized organization (or organization applying for recognition) must apply for the individual's accreditation.

There are two levels of accreditation: (1) partial accreditation, which allows the advocate to represent people before the USCIS, and (2) full accreditation, which allows the advocate to represent people before the Immigration Court and the Board of Immigration Appeals, in addition to USCIS.

An application for individual accreditation should include the following:

- A letter from the agency director requesting partial or full accreditation of the legal representative. This should include a statement that the staff person has adequate experience and knowledge of immigration law and is of good moral character. It is helpful to indicate the name of the person's supervisor and describe the work the person has done.
- The individual's resume, specifically documenting his/her experience and knowledge in immigration law. It is important to list all immigration trainings the individual has attended in-person or electronically with certificates, if possible, as evidence.
- Letters of recommendation from persons knowledgeable about the individual's work and capabilities.

Both the application for agency recognition and the application for individual staff accreditation are filed with the BIA at the following address: Recognition and Accreditation Program Coordinator, Executive Office for Immigration Review, Board of Immigration Appeals, P.O. Box 8530, Falls Church, Virginia 22041. There is no fee for either application.

The applications must include a certificate of service showing that a copy of the application and all attachments has been sent to: (1) the USCIS District Director for the applicant's district; and (2) the local Chief Counsel for Immigration and Customs Enforcement (ICE) having jurisdiction over the geographical area in which the applicant is located. Within 30 days after receiving the application, the District Director and Chief Counsel are expected to send the BIA a recommendation for approval or disapproval of the application and their reasons, or request a specified period of time in which to conduct an investigation or otherwise obtain relevant information. They must send a copy of their recommendation or request to the applicant. The applicant then has 30 days to file a response with the BIA, with a certificate showing service upon the District Director and ICE Chief Counsel.

Recognition of an organization continues unless and until the BIA withdraws the recognition. There are detailed provisions for this process. Accreditation of an individual is valid for three years, and the accreditation remains valid pending BIA consideration of an application to renew the accreditation if the application is filed at least 60 days before the prior accreditation expires. Accreditation also terminates if the Board terminates recognition of the individual's agency.

When should a legal representative apply to be accredited? An application should be made as soon as he or she has sufficient experience and training to qualify. This could be as little as a few months of experience, if the advocate has attended training essential to his/her practice and educated him/herself by reading immigration law manuals and periodicals.

CLINIC provides consultation to nonprofits seeking agency recognition and staff accreditation. CLINIC also offers a free, on-line toolkit at <http://www.cliniclegal.org/resources/toolkit-bia-recognition-accreditation>.

Inquiries can be addressed to national@cliniclegal.org.

APPENDIX 2

SAMPLE FIRST YEAR BUDGET FOR PROGRAM WITH DONATED OVERHEAD

LEGAL IMMIGRATION SERVICES PROGRAM

Income:

Subsidy from parent agency	\$40,000
Client fees	\$15,000
Grant	\$5,000

Total \$60,000

Expenses:

Immigration program staff salary	\$32,000
Staff benefits	9,600
Rent and utilities	6,000
Communication - phone, fax, internet	400
Travel	
Mileage (10 X 200 mile trips = 2,000 miles @ 44.5 cents/mile)	890
Air (400 X 4 tickets (3 – training, 1 – peer observation)	1,600
Lodging	
Training/Mentoring (8 X \$100)	800
Per Diem for 8 staff-days @ \$50/day	400
Ground transport	200

Training

Immigration law/Program mgmt. (4 X \$225/two-day training)	900
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Immigration Legal Resources

Law library	610
Immigration case management Software/Net-based	3,000
Liability Insurance	1,000
Computer and multi-function laser printer, copier and fax machine	1,000
Office supplies	1,000

Agency Memberships

CLINIC Membership (Catholic organizations) or	(600 – 1,000)
CLINIC Subscription (non-Catholic orgs.)	1,500

TOTAL \$60,000

Second and Third Years

(The budget for the second and third years of the program will be similar to the first except income will diversify. Fee income can rise to 30-40 percent of program expenses and it is possible that the program will receive a second or larger grant.)

APPENDIX 3

START-UP RESOURCES⁹

Needs Assessment

- U.S. Census website – www.census.gov – click on “American FactFinder”
- Migration Policy Institute – www.migrationinformation.org/datahub/
- Pew Hispanic Center – www.pewhispanic.org

Equipment and Tools

- *Managing an Immigration Program: Steps for Creating and Increasing Legal Capacity* – <http://www.cliniclegal.org/resources/managing-immigration-program>
- Immigration and Nationality Act (INA) – www.bookstore.gpo.gov/
- 8 Code of Federal Regulations (8 CFR) – www.bookstore.gpo.gov/
- Kurzban’s Immigration Law Sourcebook – <http://www.ailapubs.org/kurimlawsour1.html>

Trainings and Technical Support

- Immigration Advocates Network – www.immigrationadvocates.org
- Immigrant Legal Resource Center – www.ilrc.org
- National Immigration Law Center – www.nilc.org
- National Immigration Project of the National Lawyers Guild – www.nationalimmigrationproject.org
- American Immigration Lawyers Association – www.aila.org
- Catholic Legal Immigration Network – www.cliniclegal.org

- Lutheran Immigration and Refugee Service – www.lirs.org
- American Bar Association Commission on Immigration – <http://new.abanet.org/Immigration/Pages/default.aspx>
- ASISTA – www.asistahelp.org
- Detention Watch Network – www.detentionwatchnetwork.org
- Legal Momentum – www.legalmomentum.org

Resource Development

- Grantmakers Concerned with Immigrants and Refugees – www.gcir.org – an affinity group of foundations and a source of innovative thinking and resources
- The Foundation Center – www.foundationcenter.org – a comprehensive funder information center

Advocacy

- National Immigration Forum – www.immigrationforum.org
- American Immigration Lawyers Association – www.aila.org
- Migration and Refugee Services, U.S. Conference of Catholic Bishops – <http://www.usccb.org/mrs/>
- American Civil Liberties Union, Immigrants’ Rights Project – <http://www.aclu.org/immigrants-rights>
- Fair Immigration Reform Movement – www.communitychange.org/our-projects/firm/

⁹ This list is not exhaustive and is intended as a starting point for new program staff.

APPENDIX 4

START-UP TIMELINE FOR AN IMMIGRATION LEGAL SERVICES PROGRAM

The following timeline is designed for an existing non-profit agency that wishes to start a legal immigration program. This is a suggested timeline that may not be realistic for all programs. This timeline assumes the program is able to access assistance from CLINIC or a comparable supporting organization.

1st Month

- Conduct needs assessment and formulate fundraising development plan.

2nd Month

- Review needs assessment and development plan and seek approval from agency's Board of Directors.
- Finalize approval of an Immigration Program Development Plan.
- Determine type of services to be offered. (Most programs begin by preparing family-based immigration petitions and naturalization applications.)
- Prepare mission statement for program.
- Determine qualifications of staff. Develop training plan, including types of courses from different providers and costs for tuition, travel, lodging, and meals so that the new staff can start preparing an application for accreditation by the Board of Immigration Appeals (BIA).
- Determine budget:
 - i. Plan for rental of space (frequently in-kind from the charitable agency); overhead; benefits; salary; office supplies and equipment (including computer, Internet, laser printer, telephone with multi-prompt, multi-lingual message system, copier, and fax with dedicated fax line); travel for outreach, group processing, legalization and/or naturalization liaison, and training; continuing legal education (this is ongoing and should include a minimum of 40 hours of immigration law training/year); immigration law library; and case management software.

- ii. Determine income sources (agency subsidy, private donors, foundation and government grants and client fees). Programs are not prohibited from charging client fees while awaiting BIA recognition and accreditation.

- iii. Budget income to expenses for year one.

3rd Month

- Obtain budget approval from agency Board of Directors.

4th Month

- Create program infrastructure.
- Acquire office space with plans for growth.
- Join a national network that provides training and technical support. (CLINIC offers these services through membership to Catholic nonprofits serving immigrants and subscription to non-Catholic, nonprofits. Visit CLINIC's website at <http://www.cliniclegal.org/affiliates> for more information.
- Order immigration law resources with advice from a technical support agency or private immigration attorney.
- Draft job descriptions and advertise job positions.

5th Month

- Hire program staff.
- Develop a training plan for staff based on gaps in knowledge and experience related to client service needs. Send staff to immigration law and immigration program management training. Available trainings can be accessed by state, date, and subject on the Immigration Advocates Network website at www.immigrationadvocates.org or CLINIC's website at <http://www.cliniclegal.org/training-descriptions>. Staff should receive 25 to 40 hours of training in the first three months and continue to receive 40 hours per year thereafter.
- If a CLINIC affiliate, introduce staff to dedicated CLINIC services including toll-free hotline, *Catholic*

Legal Immigration News monthly newsletter, CLINIC Affiliate Directory on-line, listserve, publications and training manuals, and more.

- Send program staff to a well-established, charitable legal immigration program with a track-record of success in order to engage in peer-to-peer observation.
- Purchase immigration case management software from a vendor providing quick and reliable training and technical support.
- Draft case management policies and procedures in an operating manual.
- Implement monthly program director staff meetings with executive director, immigration program director, and other program heads to provide regular updates on immigration program development, provide budget-to-actual figures, and work towards integrating the immigration program into services offered by other agency programs.

6th Month

- Start offering immigration law services.
- File for agency site recognition with the BIA in month six or sooner in if possible. If the program is a CLINIC affiliate, a Field Support Coordinator in the Capacity Building Section will be assigned to assist the program with the application process. CLINIC will provide examples of successful applications, assist with editing the application letter and attachments, and write a letter of support. Prior to mailing to the BIA, USCIS, and ICE, CLINIC will review the entire application and recommend changes.
- Provide representation in family-based immigration and naturalization law.
- Conduct outreach through:
 - i. Bilingual announcements in local religious information flyers and flyers distributed in places where immigrants congregate such as schools, stores, community recreation centers, and work places.
 - ii. Announcements in ethnic media (print, television, radio, and Internet).
 - iii. Announcements to other social service organizations serving immigrants.
 - iv. Advertisements in the English and other language yellow pages.

v. Speaking at community groups and after religious services.

vi. Word of mouth.

7th Month

- Increase Board familiarity/buy-in with updates including service statistics and compelling client stories.
- Make presentation by program staff to Board of Directors. Explain program development, budget, and goals. Discuss plans to reach goals and solicit Board feedback.

8th - 12th Month

- Solidify program. Revisit Immigration Program Development Plan for changes and analyze for growth.
- Expand number of clients served with core services and consider increasing the types of services offered.
- Monitor budget monthly with particular attention to increasing fee revenues and staying within or below the budget.
- Track program statistics, e.g., cases opened and closed, types of services offered, nationalities of clients, and case highlights.
- Continue to receive immigration law training.
- Research public and private funders and implement fundraising development plan.
- Network with:
 - i. Attendees at annual immigration policy and legal training conferences.
 - ii. Social service community groups and adult education teachers.
 - iii. Funders.
 - iv. Government agencies including DHS (USCIS, ICE, Customs and Border Control), and local government social service agencies.
 - v. Ethnic and political groups made up of, and involved with, target populations.

HOW THEY DID IT – SUMMARIES FROM NEW CHARITABLE LEGAL IMMIGRATION PROGRAMS

Catholic Charities of the Diocese of Colorado Springs

The English as a Second Language (ESL) program of Catholic Charities of the Diocese of Colorado Springs was well known in the community for offering language classes and resource information to a mostly Hispanic immigrant population. In 2005 the program became part of an effort for immigrant integration through a grant. The agency used the funding for needs assessments and community forums that identified a need for educating immigrants about legal and civil rights and helping them understand current immigration policy and the need to prepare for possible legalization. Through outreach to immigrants, the program became aware of misinformation and rumors that caused an increasing amount of fear. Immigrants related stories about *notarios* who took advantage of individuals by taking their money for immigration processes that were not legitimate. The program provided community Know Your Rights presentations in cooperation with local attorneys and other agencies such as Catholic Charities Diocese of Pueblo. Not long after these efforts began, CLINIC began offering assistance to start up an immigration services program through trainings, education, and guidance for applying for Board of Immigration Appeals (BIA) agency recognition and staff accreditation. Catholic Charities of the Diocese of Colorado Springs took advantage of CLINIC's support, and its Family Immigration Services program was granted BIA recognition in 2008. A Catholic Charities staff member who started as a student in the ESL program a couple years earlier became an immigration counselor and received accreditation four months after submitting her application. Family Immigration Services now provides critical information and legal immigration services to the community, filling the gap in services for immigrants applying for green cards and citizenship. It is the only BIA recognized agency in the region and plans to expand and grow in services to include immigrant survivors of domestic violence.

The Hispanic Interest Coalition of Alabama

The Family Legal and Immigration Services Program (FLISP) of the Hispanic Interest Coalition of Alabama (¡HICA!) was implemented to meet the legal immigration needs of the growing immigrant community in Alabama. The FLISP is a natural extension of the existing services of the agency, all of which promote the social, civic, and economic integration of immigrants in Alabama. With financial support from the Alabama Law Foundation, ¡HICA! staff members

received immigration law training from CLINIC. ¡HICA! became a BIA-recognized organization in 2008. In order to further serve its clients and strengthen its relationship with the private bar, ¡HICA! hired an experienced bilingual attorney as legal services director in the Fall of 2009. Within a few months, ¡HICA! brought in a case worker/paralegal who spends half of her time assisting immigration clients as part of the FLISP. In the Summer of 2010, ¡HICA! hosted its first law student through a public interest fellowship with Cumberland School of Law.

El Puente – Benedictine Immigration Program, Schuyler, Nebraska

The Benedictine Mission House celebrated 75 years of service in Schuyler, Nebraska in 2010. In 2005 it joined CLINIC and became a BIA-recognized immigration office. The planning started one year prior, when a local Catholic priest with legal immigration experience asked if he could join the community of monks at the Schuyler monastery. The monastery saw a need to serve the Hispanic population, since 50 percent of Schuyler's 5,300 residents are Hispanic. Moreover, large numbers of people born throughout Latin America lived in northeast Nebraska. At the time, unauthorized practitioners, or *notarios*, flourished and there was a need for quality legal immigration advice and service. Because the monks desired to serve the largest number of clients possible, they chose to focus on family immigration law. Currently the director is part time while the associate director is full time, and the office serves upwards of 300 cases on an annual basis.

United Farm Worker Foundation Keene, California

In 2007, the United Farm Worker (UFW) Foundation organized a network of farm worker advocates from 13 agricultural states across the country. This began with a meeting of advocates from various organizations at the UFW headquarters to discuss the possibility of immigration reform and how all of their organizations could prepare themselves to meet the needs of the communities they serve if such a reform was passed. Advocates who remembered and participated in serving people under the Immigration Reform and Control Act of 1986 shared their stories of which strategies for assisting huge numbers of intending immigrants worked well, and which ones did not. They discussed the benefits of various service model deliveries, including BIA

recognition and accreditation, hiring attorney(s), or referring potential applicants to existing immigration programs instead. Each organization was tasked with assessing its human and fiscal resources and community partners, as well as the likely number of potential applicants in its service area. Regular conference calls were established so that the organizations could collaborate on immigration reform advocacy efforts and support each other in developing implementation plans. This network met again in February of 2008 for a CLINIC training on the BIA recognition and accreditation process and immigration program management. Since that time, four farm worker organizations from this network have been granted recognition and accreditation by the BIA. Currently, two other organizations are working on putting their applications together. Through regular conference calls and email communication, materials and information are shared to support advocates in their application preparation.

Centro Latino de Salud, Educación y Cultura, Columbia, Missouri

Since its beginnings in 2000, the staff at Centro Latino knew that affordable immigration legal services were needed in Central Missouri, due to the arrival of clients with

immigration issues and a lack of affordable immigration services. Since Centro Latino did not have staff or volunteers qualified to assist these clients, the organization referred them to immigration attorneys in Kansas City and St. Louis and to Catholic Charities in Jefferson City. Then, in 2007 a volunteer with immigration legal knowledge came to Centro Latino and began working as a legal access program coordinator assisting clients in finding the legal immigration services they needed. Because of the volunteer's knowledge in immigration legal issues and the organization's inability to offer immigration legal services, the decision was made to begin the BIA recognition and staff accreditation process. With a scholarship from CLINIC to cover trainings and some travel expenses, the volunteer began attending CLINIC immigration legal trainings in order to meet the training requirements to apply for BIA accreditation. In January 2009, Centro Latino applied for recognition and staff accreditation. That April, only three months later, Centro Latino was granted agency recognition and the volunteer was granted staff accreditation. Now receiving a salary through a grant, fundraising efforts, and donations, the accredited representative, along with occasional assistance from volunteers, successfully manages all aspects of Centro Latino's Immigration & Naturalization Services Program.



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