



# CATHOLIC LEGAL IMMIGRATION NETWORK, INC.

**Building Legal Capacity to Combat Domestic  
Violence and Sexual Assault Against Immigrants**  
January 5, 2021

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## CLINIC Presenter

- Silvana Arista, CLINIC Field Support Coordinator & Project Attorney, Silver Spring, Maryland



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## Webinar Agenda

- Introduction of Guest Speakers
- Background about CLINIC
- Overview of Building Legal Capacity Project
- Overview of Department of Justice Recognition and Accreditation
- CLINIC Trainings Offered
- Experiences from the Field
- Resouces
- Questions?



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## Guest Speakers

- Omaraid Guerrero, Immigration Services Manager, DOJ Accredited Representative, Women's Transitional Living Center, Fullerton, California



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## Guest Speakers

- Limia Obadi, Domestic Violence Program Director, DOJ Accredited Representative, Tapestri, Tucker, Georgia



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## About CLINIC

- Nonprofit based in Silver Spring, MD
- Training and technical assistance (TA)
- Diverse network of 360+ affiliates
- Main services
  - Religious immigration representation
  - Advocacy work and support
  - Immigration Legal TA (TLS Section)
  - Management TA (Capacity Building Section)
  - Communications and public education




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## CLINIC's Network

- 360+ Affiliates Nationwide
- 400+ locations in 46 states
- Many faiths and nationalities
- Small, medium, and large programs
- Subscription benefits:  
<https://cliniclegal.org/affiliates/subscription>




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## Building Capacity

- Help nonprofits start immigration programs
- Training on immigration program management
- DOJ recognition and accreditation assistance
- Prepare programs for immigration changes
- Link affiliates to CLINIC services
- Project management & flow through funding
- Promote immigrant integration and welcoming communities




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## Overview of Building Legal Capacity Project

- Large unmet need for immigration legal services for survivors of domestic violence and sexual assault.
- Abusers use lack of status as a principle control mechanism in abusive relationships.
- Lack of status keeps immigrants in the shadows of society with few legal protections & at the mercy of abusers. Many survivors qualify for relief under US immigration law.




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### Overview of Building Legal Capacity Project

- Building capacity through the Department of Justice Recognition and Accreditation process to increase the number of low income immigration legal service providers
- Increase knowledge about immigration legal benefits that are available to abused immigrants
- Assist with starting an immigration program within already existing programs

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### Overview of DOJ R & A Program

- Background on R & A
- Eligibility requirements for R&A
- Application process
- Getting started
- Resources
- Q&A

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### Poll: Need for Representation

- Do you see a need for more immigration legal representation for survivors of DV/SA in your community?

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### Poll: Response to Needs

- In 2020, did your nonprofit represent one or more clients with a U or VAWA application? Yes/No
- If not did you refer these cases to an immigration attorney at a non profit? Yes/No
- A law firm? Yes/No

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### Poll: DOJ R & A Program

- How many are familiar with Department of Justice R & A and the role of non-attorney practitioners?
- Are you generally familiar with the DOJ recognition and accreditation requirements?

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### What is DOJ R&A?

- The recognition and accreditation program permits recognized organizations and their non-attorney accredited representatives to represent clients in immigration proceedings.
- 8 CFR §1292.11 and §1292.12

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## Administration of R&A Program

- U.S. Department of Justice (DOJ)
- Executive Office for Immigration Review (EOIR)
- Office of Policy
- Office of Legal Access Programs (OLAP) grants agency recognition and staff accreditation to practice immigration law




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## Why apply for DOJ R&A?

- Maintain or increase capacity
- Strengthen & professionalize program
- Ensure better client services
- Ensure quality of immigration advice
- Lower staffing costs
- Avoid Unauthorized Practice of Law

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## Examples of Recognized Organizations

- Law School Legal Clinics
- Libraries
- Transitional Housing
- State Coalitions
- Community Centers
- Public Health Organizations
- Resource Centers
- Foundations
- Cultural Community Centers
- Faith Based Organization
- Non Profit Legal Service Organizations

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## Recognition & Accreditation Roster

- <https://www.justice.gov/eoir/recognition-accreditation-roster-reports>

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## Eligibility for Recognition

- Must be a non-profit religious, charitable, social service or similar organization
- Must provide services primarily to low-income and indigent clients within the U.S.
- If org. charges fees, must have a written policy for persons unable to pay
- Must have Federal tax exempt status
- Must have at least 1 accredited rep
- Must have access to adequate knowledge, information, & experience on immigration law & procedure
- Must designate authorized officer to act on org's behalf

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## Other Recognition Rules

- Recognition must be renewed every 6 years
- First time recognition is conditional, for 2 years
- Orgs without federal tax exempt status can be approved if they have applied for the status
- Extension of recognition to sub-offices
- Reporting, recordkeeping, and posting requirements
- Use application Forms EOIR-31 and EOIR-31A, both mandatory

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## DOJ Accreditation: 2 Types

- Partial and Full
- Partial allows representation before DHS
- Full allows representation before DHS & EOIR
- Can request change from partial to full at any time
- Qualifications for full accreditation are greater than partial and will be carefully scrutinized by OLAP
- Must be renewed every 3 years

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## Eligibility for Accreditation

- Must be employee or volunteer of organization
- Must have character and fitness to represent clients
- Must possess broad knowledge and adequate experience in immigration law and procedure
- Cannot be attorney who is eligible to practice law in the U.S.
- Cannot have resigned while under disciplinary investigation or proceeding
- Cannot be subject to any order disbaring or restricting practice of law
- Cannot be convicted of a serious crime anywhere in the world

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## Technical Legal Support

- For organizations that do not have an attorney on staff
- Demonstrates access to adequate knowledge, information, and experience in immigration law
- Include a letter from attorney or fully accredited representative stating:
  - Background and qualifications in immigration law
  - Knowledge of agency/staff
  - Will answer immigration law and procedure questions for agency
  - If any fees charged for this support
  - Good to recommend agency/staff as well
- CLINIC provides TLS for affiliates. More information: <https://cliniclegal.org/affiliates/subscription>

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## The R&A Application Process

- File Form EOIR-31 for agency recognition and Form EOIR-31A for each staff person seeking accreditation, with supporting documentation
- OLAP reviews application and may request additional information
- USCIS has 30 days to respond
- OLAP sends letter with decision in writing (separate decisions for R&A)
- Processing time varies

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## I would like to get R&A: How do I get started?

- Get training in immigration law & hands-on experience
- Gather supporting documents, especially fee schedule, waiver/reduction policy, and budget
- Reach out to local USCIS office
- Secure technical legal support if needed
- Gather letters of support
- Gather and purchase law library resources

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## CLINIC Training Schedule

- *Comprehensive Overview of Immigration Law*  
 January 12, 2021-February 26, 2021  
 March 30, 2021-February 14, 2021

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## Resources

- R&A Toolkit and Step-by-Step Guide:  
<https://cliniclegal.org/R&A>
- EOIR R&A Website and FAQs:  
<http://www.justice.gov/eoir/recognition-and-accreditation-program>
- CLINIC training calendar:  
<https://cliniclegal.org/training/calendar>
- IAN training calendar:  
<https://www.immigrationadvocates.org/nonprofit/calendar/>

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## Poll

- What are your next steps following this webinar?
  - Enroll a non-attorney in substantive immigration law training to start the accreditation process.
  - Enroll an attorney in substantive immigration law training in order to start providing immigration legal services without accredited reps.
  - Take these ideas back to leadership to see if we can move forward with DOJ R & A.
  - Do nothing.

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## Questions?



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