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

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

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
• Resources
• Questions?
Guest Speakers

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

Guest Speakers

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

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
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

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

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.
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

Overview of DOJ R & A Program

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

Poll: Need for Representation

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

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?

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
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

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

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
Recognition & Accreditation Roster

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

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

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
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

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 disbarring or restricting practice of law
- Cannot be convicted of a serious crime anywhere in the world

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
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

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

CLINIC Training Schedule

• Comprehensive Overview of Immigration Law
  January 12, 2021-February 26, 2021
  March 30, 2021-February 14, 2021
CLINIC Training Schedule

E-Course:
- Comprehensive Overview of Immigration Law January 12-February 26, 2021
- Intro to Family-Based Immigration (six weeks) February 25-April 8, 2021
- Comprehensive Overview of Immigration Law March 30-May 14, 2021

Webinar Series:
- Public Charge Inadmissibility January 25-February 8
- Selected Inadmissibility Issues March 5-March 26, 2021
- U Visas April 5-April 26, 2021
- Citizenship and Naturalization June 8-June 29, 2021

Single Webinar:
- Ethical Issues in Immigration Law July 2021

CLINIC Convening 2021: Week of May 17, 2021

Guest Speakers

- What made you want to get R & A?

- How did the process start for you and your program?

- What was the process like?

Guest Speakers

- How has the scope of your work changed since becoming an accredited representative?

- What would you tell someone who is contemplating seeking R & A?

- Are there any experiences that you would like to share?
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

Poll

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

Questions?

8757 Georgia Avenue, Suite 850
Silver Spring, MD 20910
Tel: 301 - 565-4800
Fax: 301-565-4824
national@cliniclegal.org

twitter.com/cliniclegal
facebook.com/cliniclegal