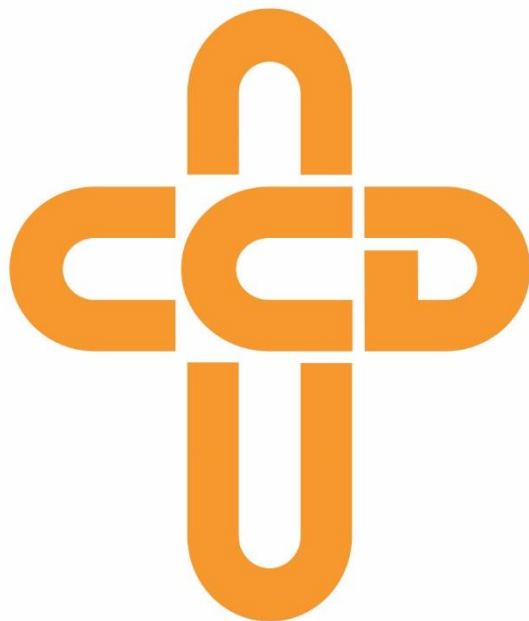


Policy & Procedures for Removal Representation



**Catholic
Charities**
Dallas

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A. POLICY PURPOSE

To develop a uniformed process to better assist our community who find themselves in Removal Proceedings before the Dallas Immigration Court.

B. POLICY SCOPE

This policy applies to all members of ILS staff providing Removal Representation in Dallas Immigration Court.

C. POLICY

In order to assist our community and ensure the ethical handling of Removal Representation cases, all legal representatives of ILS will follow the procedures here forth to each foreign national seeking removal representation with ILS. This representation will be provided following the values of Catholic Charities Dallas; Service, Compassion, Integrity, Respect, and Commitment.

D. ETHICAL REPRESENTATION AND RESPONSIBILITIES

Attorneys at Catholic Charities Dallas, Immigration Legal Services must be licensed by a State Bar, of any State or Territory of the United States of America. Each attorney must adhere to the rules of their respective State Bar, the Texas State Bar, and the Immigration Court rules of ethics, described in the Immigration Court Practice Manual¹.

Accredited Representatives are not licensed by the State Bar and are not explicitly bound by the TDRPC. Instead, they may practice immigration law by consent of the Department of Justice, which requires that they do so ethically. 8 CFR 1003.102. In practice, this means that accredited representatives should follow the ethics rules for the jurisdiction where they practice. Therefore, all the issues below apply equally to attorneys and accredited representatives.

¹ <https://www.justice.gov/sites/default/files/pages/attachments/2017/11/02/practicemanual.pdf>

Catholic Charities Dallas Legal Representatives will represent clients in Removal Proceedings while upholding our values, which are: Service, Compassion, Integrity, Respect, and Commitment. Also, these values are necessary to evaluate the facts of the case.

Retainer Agreements:

Retainer agreements are to be signed by the client before a case is opened. The retainer agreement includes the name of the client; the type of case being submitted; the fee paid by the client, if any, or if the client is under a grant; the rights and responsibilities of the client; the reasons for termination of representation; the grievance process for the client. It should be signed by the case manager or attorney representing the client as well as the client. The original is to be kept in the file and the copy should be provided to the client when opening a case. The contract is available in both English and Spanish.

Declining Representation of a Potential Client (PC)

When a client is ineligible to receive our services, you must make this clear to the person seeking counsel. Provide foreign national with a clear and precise understanding of the policies for acceptance or decline of representation.

Competence

If you accept a case, you must ensure that you have the level of knowledge about the law and process necessary to advise the client adequately regarding the immigration issues. You are expected to know the well-settled principles of law. When you encounter an issue that is not well settled, you are expected to conduct legal research to discover the rules. This includes researching relevant cases (BIA, Supreme Court, and 5th Circuit), statutes, regulations, and policy memos.

Diligence

You are expected to carry out the representation without neglecting any legal matters or failing to carry out your obligations to the client until the end of the representation. Provide Potential Clients with a clear understanding of the Removal process in Immigration Court. This encompasses things like meeting filing deadlines and preparing for court and interviews. It is important to be clear with Potential Clients regarding the scope of representation at the beginning and when the representation will end. Thus, you should make sure to review the engagement contract thoroughly at the beginning and send a nonengagement letter to clarify when the representation ends.

Communication

You must keep your client reasonably informed about the status of a matter and promptly comply with reasonable requests for information. This often requires that you speak the client's language with fluency or use an interpreter. If you communicate with the client through a family member over the phone, you should follow up any significant information with a letter in the client's language.

You must also explain matters to the client so that they can make informed decisions about the case. This means that you should explain all the client's options along with their risks and let the client decide what he/she wants to do. You must be sufficiently educated in the law to be able to give advice about the options. Resist the temptation to make the decision for the client.

Confidentiality

You must not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized to carry out the representation, it's necessary to prevent death/harm, or a court orders it.

Conflict of Interest

You must screen clients for potential conflicts of interest. Special attention to criminal charges and the victims. CCD ILS represents a large number of victims of crimes, and we need to ensure that our clients are not in contact with their victims and that we are not violating ethical rules.

E. INITIAL PROCEDURES

Intake & Initial Consultation

All Potential Clients in Removal Proceedings **must attend the Removal Proceedings Workshop** at our office, which will be presented on a weekly basis. After the Potential client receives the orientation, they will have a consult with an attorney or Fully Accredited Representative. This consultation will be a short 15 to 30 minutes consultation, in which the basic information of the case will be gathered and entered in our online case management software, LawLogix, this includes, but is not limited to:

- Biographic information;
- Alien Number and next Court date; and
- Any petitions or application filed.

Any important information regarding the client or their immigration history should also be included in Lawlogix as a case note, as well as their grant classification, if any. This case note should be entered during the consult, or the day of the consult to assure accuracy of the information.

At this Initial Consultation the Legal Representative will inform the Potential Clients (PC) of our policies and procedures as follows: PC needs to meet the income qualification criteria for services to be rendered under a grant, and that after these initial consultations are done, the team will meet to discuss the consultations, and will proceed to call the Potential Clients that are going to be accepted for representation, if they do not receive a call within 3 weeks, ILS will not be able to represent them. After such, Potential Clients that have been accepted for representation will have a follow up consultation at which Potential Clients are given full assessments of their possible immigration benefit and are given a checklist with the necessary documents to open a case with ILS.

Qualifications for Accepting Representation in Dallas Immigration Court:

CCD Legal Representatives will adhere to the following guidelines for accepting representation of individuals in Removal Proceedings.

- General qualifications for **all** Removal Representation:
 - Potential Clients need to qualify for an income maximum Grant, if they are to be represented under a Grant; and
 - Potential Clients must live in the jurisdiction of Dallas Immigration Court. If Potential Clients live more than an hour away from our office, they must have the means to meet at the office regularly if needed.

- General Qualifications for **Non-Detained** Removal Representation:
 - *Next Master Hearing* should be 2 months or more in the future; **and**
 - *Individual Hearing* must be 8 months or more in the future.

- General Qualifications for **Detained** Removal Representation:
 - Client needs to be detained in the Prairieland Detention Center in Alvarado, Texas;
 - Client must attend the Legal Orientation Program (LOP) provided by staff members of ILS in the Detention Center; and
 - ILS will not represent a client that already has an Individual Hearing Date Set.

- For Potential Clients Seeking **Asylum** either Detained or Non-detained:
 - Need to have basic requirements for asylum:
 - a) protective category,
 - b) fear to return;
 - c) harm is by government or group the government can't or won't control; and
 - d) one-year deadline has not passed.
 - Corroboratory evidence (newspaper articles, country condition reports, witness statement, government documents, amongst others);
 - In cases regarding Domestic & Gang violence Potential Clients must have:
 - a) a cognizable Particular Social Group that can be formulated, and
 - b) evidence that the harm is extreme and persistent.

- Family based asylums will not be accepted to represent by ILS, for example: *I'm afraid to return because my cousin or brother was killed.* We will need more corroborating evidence about the harm Potential client will suffer.
- Potential Client needs to have a basic understanding of why they were being targeted specifically.
- Potential Client needs to understand that Asylum is not an easy process and we will have many appointments which they must be able and willing to attend to all appointments in our office, as needed. Also, that, in many cases psychological evaluations will be needed.
- For Potential Clients seeking **SIJS** Relief
 - Family Court Representation will only be provided if a waiver of servicer can be signed or is not needed.
 - Potential Client will need to bring evidence or testimony of child that corroborates claim basis for SIJS.
 - PC's need to be under 18 years of age. We will not accept cases of Potential Clients that are 5 months away to turn 18 years
- For Potential Clients seeking **Non-LPR Cancellation of Removal (42B)**
 - Needs to meet criteria for 42B:
 - a) Good Moral Character;
 - b) Qualifying relatives (spouse, child, parent); and
 - c) No disqualifying crimes.
 - If PC has a domestic violence charge against them, it can only be one and ILS legal representative must verify the police report to see if representation is aligned with CCD values, and there is no conflict of interest.
 - PC needs to have evidence of 10 years of continuous presence, ideally for each month; and
 - must have a strong support system to gather all the evidence needed.
- For Potential Clients seeking **Bond Redetermination** Representation:
 - PC must be detained in Alvarado or Johnson County;
 - PC must have minor criminal activity, if criminal activity is present evidence to contrast it must be obtained by family member;
 - PC must have a relative that is able to access CCD offices and provide information necessary in short period of time;
 - PC must have a place to live after detention; and

- PC must have an LPR or USC willing to be sponsor and pay bond.
- *For Potential Clients seeking other reliefs in court such as 42a, waivers, and Deferred Actions, the team will examine them in a case by case basis, depending on the workload and complexity of the case.*

Open

Once a potential client has all primary documents to open a case, they are asked to call our office to make an appointment. This appointment should be done with the ILS staff member that did the initial consultation. If a client brings all documents necessary to open a case during that second consultation (check docs), the case should be opened that same day. The clients existing consultation in Lawlogix should be renamed to the process being done and all derivatives must be linked to the primary case to ensure all family information is linked to the main beneficiary. (if you need training with LawLogix please contact your direct supervisor). It should be noted that for some cases, like asylum cases, clients will need to come to the office on multiple times before the final form is ready to be filed.

F. GUIDELINES FOR OPENING AND FILING NEW CASES

Cases are **not** to be opened unless all the following requirements are completed, and a case note is included:

1. Financial Screening completed;
2. Money order provided by client for filing fees, made out to the appropriate entity; and
3. ALL necessary documents and information to accompany case filing provided by client.
4. All forms should be completed using Lawlogix, all forms are to be reviewed by the client, and all signatures should be affixed to the appropriate forms before the client departs the office.
5. All clients must sign the ILS agreement and communication policy.

Case Open - Flow Chart

Follow Up Consultation after Removal Workshop

Complete Financial Assessment, determine any conflicts of interest, & enter in Lawlogix. Make sure that the miscellaneous tab in Lawlogix includes the information for the appropriate grant, that it is a removal case, and whether or not we are going to accept the case. If case is under TAJF, must update the service outcome in the drop-down menu.



Follow Up Consultation (after Attorney Meeting re: acceptance of case)

Review previous consultation notes, discuss case with Potential Client, gather any additional information, complete red flags and provide checklist to Potential Client.



Open Consultation

Obtain case number and enter in case log. Rename consultation to Removal Defense - (relief). Write a detailed case note with case facts and strategy; add case number of any cases linked to the FN. Add Court Date to Court Day Calendar in Outlook, excel and square.



File is passed to Technical Review (TR)

Program Manager or assigned case manager/attorney completes TR of file. If TR requires corrections, file is returned to case manager/ attorney to complete corrections. Once corrections are completed, file is to be returned to the same TR person. Once TR passes return to attorney/ caseworker for copies and to be mailed. All removal cases should be reviewed by a second person to assure all information is accurate, all documents are included, and all forms are completed properly. TR can be done by a program supervisor, attorney, or fully accredited representative



Application is filed

File is placed in certified mail rack to await receipt notice / biometric notice, if filed with USCIS. Once notice is received, activities are updated, case notes are entered, and file is returned to main file cabinet to await next steps.

Cases are to be passed to Technical Review

1. Each ILS staff member is responsible for managing his/her own caseload and accordingly is responsible for filing his/her cases within the time period needed for each case.
2. Each staff member should complete all work related to a given case during the time slot given for each case opening.
3. If unusual circumstances occur and it will not be possible to finish a case and submit it to TR on the day it is opened, it is the staff member's responsibility to call this to the attention of his or her supervisor immediately.
4. All ILS staff members who see clients, will have a specific blocked day each week in which they do not see clients. This would allow them to file cases within the given timeline.
5. Once technical review is completed, each attorney or caseworker is responsible for making copies of their own case, placing packet in the mail basket, and placing file in the certified mail rack to wait receipt notices. All activities must be updated after a case is copied and sent.

To ensure that our workload does not become backlogged and that cases are filed promptly, all ILS case managers are expected to follow these guidelines. *If you get behind on your cases, work with your supervisor to catch up.*

Master and Individual Hearings

Each hearing date must be entered on Lawlogix, Outlook calendar, and Square, every Legal Representative must review their personal EOIR online portal to update the calendars in ILS. For Master Calendar Hearings one attorney will be assigned per day, unless otherwise necessary, to attend the ILS docket of the day. For Individual Hearings two or more ILS Legal Representative will assist to the Immigration Court. In preparation for an Individual Hearing a Mock Hearing will be done by the Legal Representatives in the Removal Proceedings team. After each Hearing, is the responsibility of the Legal Representative that assisted to Court that day to enter in case notes all important and pertinent information for the case.

Case Notes

It is very important that case notes be written to document all client encounters, all actions taken in each case, and all attempts to contact clients. Case notes should be clear and concise. All case notes should be entered in LawLogix immediately after a consultation, phone call, or conversation with client. Because many immigration cases remain open for many years, it is essential that case notes tell the full story of the case, in language that future

case managers will understand. All relevant facts about a case should be clearly recorded and all actions taken in the case clearly stated.

The case note is not intended to be transcript of the client encounter or event, but rather a concise summary of the key points that need to be recorded for future reference. Each case note should end with a stated individual service plan for the client. The plan should indicate the case manager's updated strategy for the case and the location of the file.

Cases Opened Log

An ongoing chronological log is maintained of all cases as they are opened each fiscal year. The case number begins with the 2-digit fiscal year and followed by a chronological number. (18-0001, 18-0002, etc.). Such a log provides an easy reference to the number of cases opened during a given month, and an easy reference to locate cases. The log is kept in the One Drive for easy access of all case managers from their offices.

Each staff member is responsible for entering the information for the case opened in the case log. This should be done the day the case is opened when the case number is taken. **You are not to assign a case number to a case until the client has signed a contract and the client provided all the needed documentation for the case.** This information is necessary to complete the Daily Case Opened Breakdown, required for monthly statistics. The log includes the name of the client, type of case, date case opened, and name of the case manager/ attorney responsible for the case. A copy of each new case entry is printed out, directly from the Cases Opened Log, to make the insert for the pocket on the outside of each client folder.

The Cases Opened Log serves as the tracking system for all new cases opened from the time they are opened and assures that cases are passed to technical review on a timely manner. Once a case is passed to technical review, the staff member enters the date the file was passed. After TR is completed, the person responsible of TR will enter date TR is completed and passed for mailing.

Weekly Case Management Report

As a case manager or attorney at ILS, you are required to have accountability with the cases you have opened and have a duty to our clients to make sure their case is being processed in a timely manner. Each case manager / attorney is required to run a weekly report in Lawlogix to view status of open cases and determine if a specific case requires follow up. The report is saved under reports in the "case management log" folder. Each case

manager is to create their own copy of this report and update it before their weekly meetings with their manager.

Financial Screening

All clients who we represent in Immigration Court must do an income eligibility for ILS services. Different sources of funding for ILS have different income eligibility guidelines, so this screening device must be maintained in each client folder to document the client's eligibility for services.

Our main priority is to assist those clients who are not able to afford a private attorney. If a client does not qualify under any of our grants and is unable to pay for services, please discuss with your individual program manager or with the director to determine if fees can be waived or reduced.

After each case open, a grant sheet that corresponds to the service provided is to be filled out, a copy kept in the file, and the original, with the required proof of income or documentation, returned to the staff member assigned to keep a record of the grant sheets. If required, a sticker to identify the type of case and/or the grant designation is to be placed outside the file for easy identification.

G. CLIENT FILE FOLDERS

Client files must be maintained in a standardized and organized fashion in recognition of the important and confidential contents of each file. The following are general guidelines which all staff are expected to follow regarding case management and file organization.

1. **Clearly written case notes** – Case notes should be entered as described previously for all cases. Case notes should be done immediately after client contact.
2. **Activities Updated** – It is important to update activities at the different stages of your case for easy review of file location and filing stage. You must update the activities of the case on LawLogix and in the Case Monitoring Sheet of the file. The activities are updated by the case manager on the day the case is opened and date it is passed to TR. The technical reviewer is to update activities once TR is completed. Program Assistants are to update activities once mail is received or the case is closed.
3. **File Organization** – all materials in the file are to be evenly hole

punched and fastened to the folder. Detail on file organization is found below.

4. **Mail Received** – all mail received is to be marked on the Case Monitoring Sheet and to be hole punched and placed on the appropriate side of the file, please see below.

5. **Electronic certified mail receipts** - If the application is submitted by mail, the certified mail receipt number should appear in the cover letter. This allows us to review delivery of case is receipt notice is not received in a timely manner.

6. **Filing cases inactive** – once our client representation has terminated, the case should be filed inactive. The following steps are to be followed on each inactive case:
 - a. Case Manager establishes that case is ready to be filed inactive. The case manager enters a “final action” activity and case note, identifying reason why file is ready to be filed inactive, date, and initials of person making determination.
 - b. Case is placed in inactive rack.
 - c. Program Assistants prepare case to be filed inactive and scans file.
 - d. Administrative Assistant sends a closing letter to client.
 - e. File is scanned and uploaded into Lawlogix.
 - f. Case is closed in Lawlogix.

Case File Folder Organization

1st division:

Left Side <i>(Internal, administrative-related items)</i>	Right Side <i>(EOIR, ICE and USCIS Notices)</i>
Item (From top to bottom)	Item (From top to bottom)
Client address labels	Case Monitoring Sheet
Change of address form & fee record	Court Notices
money order receipt form	Receipt Notices, Biometric Appointments
Copies of money orders	ICE Notices
Critical Intake Information Sheet	
Checklists	
Red Flags	
Technical review forms	

2nd Division:

Left Side <i>(Client provided Evidence & Extra Forms)</i>	Right Side <i>(Motions & applications submitted)</i>
Item (From top to bottom)	Item (From top to bottom)
Extra G-28 updated	In chronological order
Extra E-28 updated	Motions
Extra Change of Address form	Applications submitted
Client evidence not submitted to court	Evidence Packets

H. TECHNICAL REVIEW

For quality control purposes, all cases prepared must go through a process called Technical Review (TR). Technical review is completed by either a Supervisor or by an assigned case manager. A TR sheet has been created for each different type of case opened at ILS. If a TR sheet does not exist, a miscellaneous TR sheet is available. TR sheets that need to be updated or changed are to be given to the Associate Director to update as needed.

Once a case is completed, the most current version of the corresponding Technical Review sheet should be attached to the work prepared. Technical Review sheets should be printed directly from the computer to ensure that the latest version is used. TR sheets are saved digitally in the S:\ drive on the network.

Once the case is ready for technical review, it should be placed in the appropriate TR rack based on the program manager or case manager on duty assigned. The supervisor or assigned case manager conducting technical review should review the case. All cases submitted for TR should be reviewed and returned to case manager or attorney for mailing as soon as possible. If a case requires corrections, these corrections will be explained in detail in the case notes and the file is to be returned to the case manager /attorney that opened the case to complete these corrections. Any case that does not pass TR for any reason should not be filed until it has gone through the Technical Review process and passed. Once TR is completed, the file is to be returned to the ILS staff member that opened the case for copies and mailing. Once copies are done, the file should be placed in the certified mail cabinet.

