



# Starting an Immigration Program

Building a Charitable, Community-Based Agency

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## Foreword and Acknowledgements

This guide is designed to give an overview of what it takes to start and sustain a charitable, community-based agency helping newcomers to the United States obtain lawful immigration status. It is general in approach so as to accommodate a variety of motivating factors and target groups.

This document builds on work done by the Immigration Management Project (IMP), a collaborative effort by CLINIC, Immigrant and Refugee Services of America (now U.S. Committee for Refugees and Immigrants), and Lutheran Immigrant and Refugee Services to develop and provide training and resource materials to nonprofit agencies on effective program management. Since 1997, CLINIC has used these IMP materials to provide management training and program support to individuals and organizations seeking guidance in starting new programs or improving the services they offer. This guide was written by Jack Holmgren with assistance from Lina Avidan, Program Executive, Zellerbach Family Foundation; Vanna Slaughter, Director, Catholic Charities of Dallas, Immigration and Legal Services; and CLINIC attorneys Kristina Karpinski, Susan Schreiber, and Charles Wheeler.

## The Problem

Capacity does not meet current demands for low-cost representation in immigration matters. Any new legalization program will only increase demand.

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 10,000 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. Legal Services Corporation (LSC) “alienage” restrictions on LSC-funded agencies prevent them from providing 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 them faith-based, which 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 obtain a status known as “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 at Appendix 1 to this guide. To date, there are approximately 500 nonprofit agencies with recognized agency status, and approximately 650 persons with accredited representative status. One third of the recognized agencies are affiliate programs of CLINIC.

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 really is not when viewed against the estimated twelve million undocumented persons residing in the United States who may qualify for any new legalization program. In addition, the largest 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 without services or greatly underserved.

Even without the enormous new demand for legal services that legalization will create, many non-citizens are currently unable to find affordable and accessible legal services, and turn to unauthorized service providers, referred to in many Latino immigrant communities as “notarios.” These notarios and other unauthorized practitioners often charge high fees for their form completion services, and put their clients at risk of deportation by filing applications for benefits for which the immigrant is not eligible. For these reasons, we need a significant expansion in the number of affordable, competent, and authorized legal service providers, including the development of new nonprofit programs, to assure that immigrants will have the legal services they need to take advantage of a new legalization program.

## The Solution

New community-based organization (CBO) service programs need to be created where they do not exist or where existing capacity cannot accommodate projected demand should a legalization program be enacted.

Existing immigration legal service providers need to obtain recognized agency status and accreditation for staff to provide authorized services to immigrants.

Currently there are faith-based<sup>1</sup> and non-faith-based networks<sup>2</sup> providing various forms of immigration legal assistance, as well as other community-based organizations not affiliated with any network. These networks and independent programs will have to greatly expand to meet the challenge posed by any new legalization program,<sup>3</sup> and new networks will be necessary. It is not unlikely that new immigration assistance capacity will have to be created among labor unions and within healthcare systems, to give two examples.

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<sup>1</sup> The faith-based networks include: Baptist Immigration Services Network, Church World Service, Catholic Legal Immigration Network, Ecumenical Migration Ministries, Hebrew Immigrant Aid Society, Lutheran Immigration and Refugee Service, Mennonite Central Committee, and World Relief.

<sup>2</sup> The non-faith-based networks include: International Rescue Committee, U.S. Committee for Refugees and Immigrants, National Network to End Violence Against Immigrant Women, and numerous Mutual Assistance Association networks.

<sup>3</sup> Based on legislation passed by the Senate 2006, the estimated population eligible for legalization ranged between three and eight million.

During the last legalization program twenty years ago capacity was quickly overwhelmed and new capacity had to be developed from agencies doing immigration-related tasks such as refugee resettlement. 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 the Immigration Reform and Control Act (IRCA) of 1986. The next legalization program can be approached with the knowledge that it will produce a similar increase in immigration legal services capacity.

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.

## **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 an assessment that identifies the need for new or expanded legal services. 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. First, the U.S. Bureau of Census American Fact Finder Web-based tool, at [www.factfinder.census.gov](http://www.factfinder.census.gov), includes detailed census data tracked by city, state, and other criteria. Second, the Center for Applied Research in the Apostolate (CARA) at Georgetown University has issued a study that breaks down the U.S. Census data and interprets it in terms of individual Catholic dioceses within each state. Other census reports addressing where immigrants reside and the number of undocumented immigrants are available from the Pew Hispanic Center ([www.pewhispanic.org](http://www.pewhispanic.org)) and the Migration Policy Institute ([www.migrationpolicy.org](http://www.migrationpolicy.org)).

Another key source of information, on both demographics and available resources, are focus groups that include (1) local civil society leaders, such as mayors, members of the board of supervisors, the head of the school district, sheriffs, and police chiefs, (2) public and private health service providers, (3) leaders of faith-based programs and institutions, and (4) 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>.

A state-by-state summary of the number of recognized agencies and accredited representatives, prepared by CLINIC, is included to this guide at Appendix 2.

### *Parent Agency Support*

Once the needs have been identified and summarized, they should be communicated to those with the power to fund a new program. This is the most critical step in program creation. For Catholics, it is known as “diocesan commitment”; for other new programs developing as part of a larger agency, this amounts to seeking a financial commitment from the parent agency to support program costs until the new program is able to develop independent financial resources. A sample budget for a start-up immigration program is included as Appendix 3 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*

Quite a few immigration programs have been started without a parent agency. The first step is formation of the nonprofit corporate structure and 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. As a result of the increased costs, some prefer to share information and resources with other similar immigration service providers.

### *Securing Space, Equipment and Tools*

Key concerns when looking to locate the program include: (1) accessibility for the target population, (2) security of confidential information, (3) appropriate office space to conduct confidential interviews with clients, and (4) capacity for expansion if a new legalization program is enacted. The most important equipment acquisitions are computers and the immigration legal software to run on those machines. Immigration software programs typically 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, services provided, case deadlines.

Given the mobile nature of the client base and increased concerns over client information, providers are turning to Internet-based software. This new trend is helpful for a variety of reasons, not the least of which is vastly reduced on-site storage requirements. For new immigration legal service providers, Internet-based software is attractive for another reason. Given the complexity and long timelines involved in various proposals for legalization, it is likely that applicants will move from community to community and state to state while going through the process. If a provider can access the client’s information over the Internet using the client’s file code, this will be a

tremendous boon to providing high quality service as clients move from community to community and provider to provider.

### *Hiring Program Staff*

The core resource of the new program is its staff. Great care should be taken to hire staff that are qualified or can rapidly become so. Position descriptions should be crafted with the assistance of sister agencies or immigration networks like CLINIC. They may share job descriptions, position announcements, and local recruiting tips. The hiring process will probably benefit from using a panel to screen the resumes and writing samples, check references, and conduct the interviews. CLINIC has done research within its own network as to what the existing salary ranges are for various immigration positions.

As mentioned above, immigration regulations permit non-lawyers to practice immigration law.<sup>4</sup> 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 candidates to represent clients.

### *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 any immigration benefit. For this reason, all new program staff without a solid background in immigration law needs extensive training before undertaking client representation. Training also needs to be ongoing; the IMP recommends that program staff receives 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 every year, listed and described on the CLINIC Web site at [www.cliniclegal.org](http://www.cliniclegal.org); trainings sponsored by local bar associations, immigration coalitions, and other sister agencies; and Web-based trainings via archived video. For example, an organization called Pro Bono Net is heading up a group of immigration law support centers and users to create a "one-stop" legal immigration support Web site found at [www.immigrationadvocates.org](http://www.immigrationadvocates.org). This site contains certain tools and information, including a calendar of immigration-related trainings searchable by date, state, or topic.

### *Peer Observation*

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

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<sup>4</sup> 8 Code of Federal Regulations (CFR) § 1292.2(d).

observation – or mentoring – may last two to three days, but it needs to occur as soon as possible after the start-up program opens its doors or hires staff. New staff will learn from veterans such fundamentals as how to establish case selection criteria, screen clients for immigration benefits, identify potential obstacles, and manage case files.

### *Technical Support*

Technical support is the “security blanket” of program start-up. It also serves that function for veteran program staff. A new staff member 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. Toll-free telephonic technical support from veteran immigration attorneys is the gold standard in this area. When this is not possible, those creating new immigration service programs should consider alternatives, such as topical immigration law listservs. For example, the Immigrant Women’s Technical Assistance Project (ASISTA) is a national legal support organization catering to programs assisting immigrant survivors of domestic violence, sexual assault, crime and human trafficking. It maintains a VAWA Experts Listserv that is highly regarded as a timely, accurate, and extremely 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. A list of immigration-related listservs or resources for start-ups is attached to this guide as Appendix 4.

### *Program Funding via Fee for Service*

A substantial factor in the growth of the Catholic network of charitable immigration law programs is their ability to sustain themselves by charging nominal fees for immigration services. The Catholic network of programs recovers between 30 to 40 percent of program expenses through 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 funds helps insure that the agency 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.

The success of fee-for-service depends, in large measure, on two factors: (1) the type of cases that are accepted, and (2) the degree 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 immigration law services, such as immigration court representation or preparing affirmative applications for asylum. Bitter experience has taught that start-up programs can best succeed financially when they avoid – at least in the beginning stages – the more time consuming forms of immigration relief.

Over the last ten years the trend has been toward programs charging for services up front. This is not to say that a program should not provide fee waivers or allow for

payment plans in certain circumstances. But collecting the money 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 for work already performed.

### *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 fund 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 your organization's services and geographic location. The best resource for foundation research is the Foundation Center ([www.foundationcenter.org](http://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 your local community foundation, and you should also look into grants 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](http://www.gcir.org)) It is essential that you carefully review the foundation's application guidelines before contacting them. One of the best ways to introduce your 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 you wish to address, demographic information about the population to be served, how the proposed activities will address the problem, and why your organization needs to build capacity to provide the services you describe. You should also mention how this new project will leverage existing organizational capacity and how your group will work with other community organizations to prevent service gaps. 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 your 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 you are applying to.

Once you have identified the program officer with whom you wish to communicate, and sent them a letter of intent, your 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 your organization's representatives and the program officer to discuss the likelihood of immigration reform legislation and how your organization would address the needs for legal services and community education.

If funded, it is of the utmost importance to deliver on the promise of the proposal and to comply fully with the foundation's proposal and progress report requirements and deadlines.

### *Advocacy*

The great civil rights and civil liberties lawyer Arthur Kinoy (1922-2003) once said: "Justice is a constant struggle." Certainly 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 is something that every start-up 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 has taken a conscious decision. Working together, they should develop the advocacy priorities for the agency. Once this is determined, 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](http://www.aila.org), [www.immigrationforum.org](http://www.immigrationforum.org), [www.cliniclegal.org](http://www.cliniclegal.org), [www.nclr.org](http://www.nclr.org), [www.ilrc.org](http://www.ilrc.org), and [www.nilc.org](http://www.nilc.org). The program can turn this information into advocacy actions in their communities, such as holding a press conference or asking to be interviewed on an advocacy topic. Staff can also receive trainings on how to effectively communicate the agency's message 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 in numbers there is strength is never truer than in immigration law advocacy.

### *Program Protection: Liability and Malpractice Insurance*

Immigration law can expose the nonprofit agency – even those 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.

## **Capacity-Building for Existing Programs**

Community-based organizations currently offering immigration-related legal services can build capacity in anticipation of legalization by taking steps now to assure the program has legal authorization to counsel and represent immigrants, insure 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 thorough needs assessment. This will provide critical information to determine 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 aggressively to obtain it before any new legalization program is enacted.

Existing agencies need to take a close look at their case intake and management procedures. The client fee agreement should be reviewed to ensure that it includes provisions regarding conflicts of interest. Existing case management software should be fully utilized for the task. If the existing software does not come with sufficient training and technical support, 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 deal with possible coordination of services should a legalization program become reality. Approach the U.S. Citizenship and Immigration Services and other branches of the government that deal with immigrants to plan for the surge in potential applicants.

## **Conclusion**

The prospect of a major legalization program requires serious planning and proactive steps to prepare for the certain surge in demand for legal services. The private and public sectors will likely be stressed to the breaking point, even if bold action is taken well ahead of time. This guide was meant to encourage new program development, or expansion of an existing program, as one response to this challenge. Please call upon CLINIC or other support centers for assistance in implementing the advice and recommended steps.

## APPENDIX 1

### REQUIREMENTS FOR OBTAINING BIA RECOGNITION AND ACCREDITATION

#### BECOMING AN ACCREDITED REPRESENTATIVE - WHY, HOW, AND WHEN?

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 nonprofit agencies may obtain accreditation from the Board of Immigration Appeals (BIA) that allows them to represent clients before the USCIS and BIA. This provision has allowed many programs to provide low-cost immigration services, thus easing the shortage of quality legal services to low-income persons in immigration proceedings.

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 being accused of 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 the 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 and the BIA 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 while working for their clients. As we all know, this work affects our 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.

In this appendix we will briefly review the requirements and process for individual recognition.

First, an individual cannot apply for accreditation on his or her own behalf. Instead, the organization the individual is associated with must apply for the individual. That organization must be recognized by the BIA or must be applying for recognition together with the application for staff accreditation.

The requirements for agency recognition are the following:

- The organization must be a nonprofit religious, charitable, social service, or similar organization
- 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 organization must have an independent existence apart from its proposed representative. This means that the organization must be a legitimate nonprofit, charitable organization and not established merely to provide a means through which a non-lawyer can practice law.

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

- A completed Form EOIR 31, request for recognition
- Copies of the organization's charter, articles, and bylaws
- A copy of the organization's fee schedule for immigration services
- Evidence of tax-exempt status, such as a copy of the organization's 501(c)(3) letter
- A statement of the organization's sources 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 of staff work, and the technical support organizations to which the organization belongs or has access, such as CLINIC and the Immigrant Legal Resource Center

Documents to support the staff's knowledge and experience, including, for example:

- A list of the organization's library 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 manuals, such as CLINIC's practitioner's guides, and other materials. The statement should include periodicals on immigration law that the organization subscribes to, such as the *Catholic Legal Immigration News*.
- If the organization has internet capability, that should be mentioned, since advocates can use the INS, EOIR, and other websites to locate immigration law regulations, cases, and forms, and other helpful information, and can belong to informative immigration listservs.
- Staff resumes
- Letters of recommendation
- Copies of agendas for any training sessions staff has attended

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 at USCIS interviews and examinations, and (2) full accreditation, which allows the advocate to represent people before the USCIS, the Immigration Court, and the Board of Immigration Appeals.

An application for individual accreditation should include the following:

- A letter from the agency director, requesting partial or full accreditation of the advocate. 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 or persons who have supervised the advocate's immigration work and to describe the types of immigration work the advocate has done.
- The individual's resume, specifically documenting the individual's

experience and knowledge in immigration law. It is helpful to mention all immigration trainings the individual has attended.

- Supporting documentation. This could include any diploma showing graduation from high school, college, or other institution; certificates showing completion of immigration law trainings; letters of support from persons who are willing to serve as a resource or consultant to the individual; and 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 Board of Immigration Appeals at the following address: Board of Immigration Appeals, 5107 Leesburg Pike, Suite 2400, 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 the USCIS District Director having jurisdiction over the geographical area in which the applying organization is located. Within thirty days after receiving the application, the District Director must send the BIA a recommendation for approval or disapproval of the application and his or her reasons, or request a specified period of time in which to conduct an investigation or otherwise obtain relevant information, and must send a copy of the recommendation or request to the applicant. The applicant then has thirty days to file a response with the Board, with a certificate showing service upon the District Director.

Recognition of an organization continues unless and until the Board 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 Board 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 an advocate apply to be accredited? As soon as the advocate has sufficient experience and training to qualify. This could be as little as a few months of experience, if the advocate has attended trainings and educated himself or herself by reading immigration law manuals and periodicals.

CLINIC encourages nonprofit agencies to apply for BIA accreditation for their personnel representing individuals in immigration matters. If you would like a sample accreditation application packet or if CLINIC may provide any assistance in the application process, please contact Jack Holmgren at [jholmgren@cliniclegal.org](mailto:jholmgren@cliniclegal.org).

**APPENDIX 2****STATE-BY-STATE SUMMARY OF RECOGNIZED AGENCIES AND ACCREDITED STAFF**

<b>LOCATION</b>	<b>RECOGNIZED</b>	<b>ACCREDITED REPS.</b>
Alaska	1	1
Alabama	3	4
Arkansas	2	6
Arizona	13	18
California	90	77
Colorado	8	9
Connecticut	6	7
Washington, DC	6	4
Delaware	3	2
Florida	48	44
Georgia	9	13
Hawaii	4	4
Iowa	10	12
Idaho	5	5
Illinois	26	44
Indiana	3	3
Kansas	3	4
Kentucky	2	3
Louisiana	7	4
Massachusetts	19	10
Maryland	8	4
Maine	1	1
Michigan	13	25
Minnesota	10	11

<b>LOCATION</b>	<b>RECOGNIZED</b>	<b>ACCREDITED REPS.</b>
Missouri	8	8
Mississippi	2	1
North Carolina	13	9
North Dakota	1	1
Nebraska	8	8
New Hampshire	2	4
New Jersey	24	28
New Mexico	9	10
Nevada	3	3
New York	52	55
Ohio	16	19
Oklahoma	5	6
Oregon	12	19
Pennsylvania	19	24
Puerto Rico	1	0
Rhode Island	3	13
South Carolina	4	3
South Dakota	2	2
Tennessee	6	4
Texas	51	89
Virgin Islands	1	0
Utah	4	6
Virginia	10	10
Vermont	1	2
Washington	10	23
Wisconsin	6	6
West Virginia	1	1

**APPENDIX 3**

**SAMPLE FIRST YEAR BUDGET FOR PROGRAM WITH DONATED OVERHEAD**

**IMMIGRATION AND NATURALIZATION PROGRAM**

***Income***

Subsidy from Agency	-	\$50,000
<hr/>		
Total	-	\$50,000

**Expenses**

Immigration Program Staff Salary	-	32,000
Staff Benefits	-	8,000
Rent	-	0
Communication - phone, fax, internet	-	600
<b>Travel</b>		
Mileage (10 X 200 mile trips = 2,000 miles @ 44.5 cents/mile)	-	890
Air (400 X 4 tickets (3 - Training, 1 -Internship)	-	1,600
<b>Lodging</b>		
Training/Mentor X 8 X \$70	-	384
Per Diem for 8 staff-days @ \$48/day	-	300
Ground transport	-	400
<b>Training</b>		
Immigration Law/Program Mgmt. (4 X \$215/two-day training)	-	860

## Immigration Legal Resources

Law Library	-	500
Immigration case management	-	0 (for some internet-based as cost is passed directly to client for each case)
Liability Insurance	-	1,000
Computer and Multi-function laser printer, Copier and fax machine	-	1,500
Office supplies	-	800

## Agency Memberships

CLINIC Annual Dues	-	1,000 (Catholic Program Max.)
Utilities	-	0
Office Furniture	-	0
Management Consulting	-	0

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TOTAL	-	\$49,834
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## 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 will likely rise to 30-40 percent of program expenses and it is possible that the program will receive a grant.

## APPENDIX 4

### START-UP RESOURCES

#### Needs Assessment

- U.S. Census Web site – [www.census.gov](http://www.census.gov) – click on American FactFinder
- Pew Hispanic Center – [www.pewhispanic.org](http://www.pewhispanic.org)

#### Equipment and Tools

- [www.google.com](http://www.google.com) – type in “immigration software” in the browser field
- *Immigration Management: Building Blocks for a Successful Program*, 1999, Immigration and Refugee Services of American, Lutheran Immigration and Refugee Service, Catholic Legal Immigration Network. This is a compilation of best practices that of a well-run and sustainable immigration legal services program.

#### Trainings and Technical Support

- Immigration Advocates Network Pilot Web site – [www.immigrationadvocates.org](http://www.immigrationadvocates.org) – national training calendar
- Immigrant Legal Resource Center – [www.ilrc.org](http://www.ilrc.org) – trainings and technical support
- National Immigration Law Center – [www.nilc.org](http://www.nilc.org) – trainings and technical support
- National Immigration Project of the National Lawyers Guild – [www.nationalimmigrationproject.org](http://www.nationalimmigrationproject.org) - trainings and technical support
- American Immigration Lawyers Association – [www.aila.org](http://www.aila.org) – trainings and technical support
- Catholic Legal Immigration Network – [www.cliniclegal.org](http://www.cliniclegal.org) – trainings and technical support
- Lutheran Immigration and Refugee Service – [www.lirs.org](http://www.lirs.org) – trainings and technical support
- ASSISTA – [www.assistaonline.org](http://www.assistaonline.org) – trainings and technical support

- Legal Momentum – [www.legalmomentum.org](http://www.legalmomentum.org) – trainings and technical support

### **Resource Development**

- Grant makers Concerned about Immigrants and Refugees – [www.gcir.org](http://www.gcir.org) – an association of many funders interested in immigrant related funding
- The Foundation Center – [www.foundationcenter.org](http://www.foundationcenter.org) – Comprehensive funder information center

### **Advocacy**

- National Immigration Forum – [www.immigrationforum.org](http://www.immigrationforum.org)
- American Immigration Lawyers Association – [www.aila.org](http://www.aila.org)
- Migration and Refugee Services, United States Conference of Catholic Bishops – [www.nccbuscc.org/mrs](http://www.nccbuscc.org/mrs)
- American Civil Liberties Union, Immigrants Rights Project - [www.aclu.org/immigrants/gen](http://www.aclu.org/immigrants/gen)

### **General Advice and Consulting**

CLINIC – Jack Holmgren – [jholmgren@cliniclegal.org](mailto:jholmgren@cliniclegal.org).

## APPENDIX 5

### SOUP TO NUTS START-UP TIMELINE FOR AN IMMIGRATION LEGAL SERVICES PROGRAM DESIGNED TO PREPARE FOR LEGALIZATION

The following timeline is designed for an existing nonprofit agency that wishes to start an immigration program. This is a suggested timeline that may not be realistic for all programs. For example, in some situations it may be necessary to form a separate Board of Directors, which will alter this timeline. This timeline also assumes the program is able to access assistance from CLINIC or a comparable supporting organization.

#### 1<sup>st</sup> Month

- Conduct needs assessment and formulate development plan

#### 2<sup>nd</sup> Month

- Review needs assessment and development plan and seek approval from agency's Board
- Finalize Immigration Program Development Plan:
- Determine services to be offered. Most programs begin by preparing family immigration petitions and naturalization applications
- Prepare mission statement for program
- Determine qualifications of staff. Develop training plan, e.g., tuition, travel, lodging, and meals, so that the new staff can start moving towards accreditation by the Board of Immigration Appeals
- Determine budget:
  - i. Plan for rental of space (frequently in-kind from the charitable agency), overhead, benefits, salary, office supplies and equipment (computer with modem and dedicated modem line), laser printer (necessary for printing immigration forms), telephone with message system, telephone line, copier or reasonable access to one, 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 (including immigration forms software)

ii. Determine income sources (client fees, agency subsidy, private donors, foundation and government grants) (note – some programs have hesitated to charge fees prior to getting recognition and accreditation. I don't think this is legally significant for determining UPL – UPL can be free – but I think we should note that this may be a concern for new programs.

iii. Match income to expense for year one, year two, year three

### **3<sup>rd</sup> Month**

- Obtain approval of agency Board of Directors
- Submit draft budget to charitable agency board and seek approval and commitment
- Receive approval from all concerned

### **4<sup>th</sup> Month**

- Create infrastructure
- Lease office space
- Catholic agencies may join CLINIC with annual dues between \$600 and \$1,000. Non-Catholic agencies may affiliate with another national network, such as Lutheran Immigration and Refugee Services, [www.lirs.org](http://www.lirs.org), or they may contract with a support enter such as the Immigrant Legal Resource Center, [www.ilrc.org](http://www.ilrc.org).
- Order immigration law resources with advice from CLINIC or another technical support agency
- Advertise job positions in the newsletter of the national and local American Immigration Lawyers Association, *Interpreter Releases*, local print media, and [www.Craigslist.org](http://www.Craigslist.org).

### **5<sup>th</sup> Month**

- Hire program staff
- Review resumes with help from CLINIC or another source of technical support
- Conduct job interviews with telephonic participation from CLINIC or another support source

- With the assistance of your local CLINIC field attorney or other technical support develop a training plan for staff. Send staff to immigration law and immigration program management trainings. Available trainings can be accessed by state, date, and subject on the Immigration Advocates Network Pilot Web site at [www.immigrationadvocates.org](http://www.immigrationadvocates.org). Staff should receive 28 to 40 hours of training in the first three months and continue to receive 40 hours/year thereafter
- If a CLINIC member, introduce staff to CLINIC's menu of supporting services such as the toll-free hotline, the *Catholic Legal Immigration News* monthly newsletter, the CLINIC Affiliate Offices Directory, the CLINIC Listserv (electronic e-mail updates), CLINIC publications, etc. For non-Catholic agencies, introduce staff to menu of support services available from national network or technical support center
- For Catholic programs, send program staff to a successful CLINIC affiliate program for peer observation. Non-Catholic programs should send staff to intern at programs in their national network. Implement monthly program director staff meetings with executive director, immigration program director, and other program heads to provide regular updates on immigration program development, budget-to-actual figures, and work towards integrating the immigration program into services offered by other programs

## **6<sup>th</sup> Month**

- Start offering immigration law services
- File for agency site recognition with the Board of Immigration Appeals (BIA) in month six (sooner in some cases). If the program is a CLINIC member, the local CLINIC field office staff will assist the program with this by explaining the process in detail and supporting the program from start to finish. CLINIC will provide examples of successful applications, assist with writing the application letter, completing the application, and write a detailed letter of support. CLINIC will explain the mechanics of filing the application with the BIA with a complete copy to the local offices of the Department of Homeland Security (DHS). Prior to mailing to the BIA and DHS, CLINIC will review the entire application and recommend changes. File for BIA agency staff accreditation at the same time as filing for recognition.
- Provide representation in family-based immigration and naturalization law
- Conduct outreach through:
  - i. Bilingual announcements in local religious information flyers, flyers

distributed in places where immigrants congregate, and media (print, television, and radio)

- ii. Announcements in ethnic media
- iii. Announcements to other social service organizations serving the target population
- iv. Advertisements in the English and other language yellow pages
- v. Speaking at community groups, and after religious services
- vi. Word of mouth

### **7<sup>th</sup> Month**

- Increase Board familiarity/buy-in
- Make presentation by program staff to Board of Directors. Explain program development, budget, and goals. Discuss plans to reach goals and solicit Board feedback.

### **8<sup>th</sup> Month - 12<sup>th</sup> Month**

- Solidify Program
- 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., clients served, services offered, nationalities served, case highlights
- Continue to receive immigration law training
- Research public and private funders and develop a fundraising plan. Clear this plan with other parts of the agency.
  
- Network:

- i.** Attend annual conferences conducted by CLINIC, National Network to End Violence Against Immigrant Women, National Immigration Project of the National Lawyers Guild, Lutheran Immigration and Refugee Services, and other networks. Form and/or participate in immigration program consortiums on a local, regional, and state basis.
- ii.** With social service community groups
- iii.** With funders
- iv.** With government agencies including DHS, social services
- v.** With ethnic and political groups made up of, and involved with, target populations

## APPENDIX 6

### **How They Did It** Summary Reports From Three Programs

#### Catholic Community Services of Northern Nevada

This agency asked CLINIC to assist with the conducting of a needs assessment. After it was conducted, the agency decided to earmark \$100,000 per year for several years to start an immigration program. Part of the agency's motivation was the possibility of a legalization program. The other motivating factor was the desire to remedy the current unmet legal needs of a large undocumented population. In the spring of 2006 the agency hired one staff person. She interned at three immigration programs and attended four immigration law trainings. She developed the programs systems and became proficient at the immigration case management software. In July 2006 the program opened its doors. In mid-September the agency filed for BIA agency recognition and staff accreditation. At the end of November the BIA granted its application for recognition and accreditation.

#### Catholic Charities of Idaho

This agency conducted an in-depth needs assessment that involved a review of demographic information, focus groups that included Catholic clergy and laypersons, and input from other people and sources throughout the state. The agency hired staff and sent them to a neighboring Catholic charities program for three months of mentoring and intensive immigration law training. The agency applied for and was granted BIA recognition and staff accreditation within six months of hiring its first staff person. Over the past five years, the agency has expanded to include five offices spread throughout the state. It provides a wide range of immigration law services, including assistance to victims of domestic violence.

#### Caminando Juntos, Sioux Falls, South Dakota

Caminando Juntos in Sioux Falls is one of only two recognized agencies serving South Dakota immigrants. The program, sponsored by the Presentation Sisters religious community, was initially formed for the Hispanic immigrants in the area. It soon became apparent that there was a unmet need for immigration-related legal services. With the support from the sponsoring community, the program joined CLINIC. One staff member attended immigration law trainings. After a year, the program also made arrangements with a sister legal services provider and CLINIC affiliate in Omaha to pay a modest hourly fee for case review and support. In November 2005, Caminando Juntos applied for agency recognition and staff accreditation. The applications were approved the following February. One year later, the program is adding a new staff person, who will train with a view to gaining accredited representative status. The program is maintained through support of the

sponsor religious community, interest from an investment fund, private grants and program fees.