



## **PREPARING YOUR COMMUNITY FOR IMMIGRATION REFORM**

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## **Preparing Your Community for Immigration Reform**

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### **I. The Importance of Faith-Based Communities**

The uncertainty of one's immigration status, or that of a spouse or child, impacts every part of an immigrant's life. As faith leaders, it is important to be involved in preparing our communities for impending changes to immigration law. In order to do that, it is necessary to understand the changes these reforms will bring and how they will impact the everyday lives of immigrants. As many as 11 million people may become eligible to obtain lawful immigration status with comprehensive immigration reform legislation, allowing them to finally stop looking over their shoulders and living their lives in the shadows. A presidential announcement of administrative relief might impact as many as 6 million individuals. These changes will improve the lives of not just those directly affected, but also their families and communities.

But these significant reforms will not happen overnight. As the nation continues to discuss the establishment of comprehensive immigration reform, the role of faith leaders and other service providers will be essential in smoothly implementing legal reforms. Faith-based groups and institutions play an important and trusted role in local immigrant communities. Historically, the church has been a place where the dignity of immigrants is of utmost importance, and where compassion is the first priority. Due to this, the faith community is a trusted leader for various populations and can aid in:

- Disseminating accurate immigration information.
- Helping immigrants to locate and identify quality legal and social service providers.

- Warning the often-vulnerable immigrant community of unscrupulous and unauthorized legal practitioners.
- Providing much needed public education on the topic (such as addressing myths about the system).
- Assisting immigrants prepare for anticipated changes in immigration law and policy by helping them gather documentation that will be need to be submitted to U.S. Citizenship and Immigration Services (USCIS).
- Sharing information on the positive impact of immigrants in the community.

Community leaders can help immigrants be better equipped by:

- Helping immigrants meet the English language and U.S. civics requirements necessary to gain citizenship.
- Encouraging immigrants to begin planning for the costs immigration reform now by saving money to pay application fees.
- Developing efficient partnerships with fellow community organizations that help meet immigrant needs.

By engaging in all of these activities, faith leaders and institutions can be active participants in effectively implementing much-needed immigration reforms.

## **II. Understanding the Role of Non-Legal Staff**

### *What Do We Mean By the “Practice” of Immigration Law?*

While faith communities can serve as a valuable resource for immigrants and have an important role to play in smoothly implementing immigration reform, it is also important to remember to set limitations in providing assistance to immigrants. Individuals without a law

degree or legal certification can assist immigrants in many ways, but they cannot engage in the practice of immigration law. Federal law has a broad definition of the “practice” of immigration law, including:

- Analyzing an immigrant’s eligibility for immigration benefits
- Advising immigrants on how to obtain immigration benefits
- Selecting the correct immigration form to complete
- Completing immigration forms
- Filing an immigration petition or application

As you can see, almost any advice or guidance you give to clients about their own particular immigration situation can be construed as “practicing immigration law,” even something as simple as handing out immigration forms. While many of these actions may seem harmless and non-legal in nature, anyone who is doing any of these things is actually engaging in the practice of immigration law.

#### *Why is it Important to Know the Limits?*

As an individual with a non-legal background, it is very important to know what is considered the practice of immigration law so that you know the limits on what you can do to help. While people are often eager to help immigrants to regularize their status in any way that they can, the wrong help can actually hurt. Even when done with the best of intentions, offering to provide advice or fill out legal forms can be harmful without the proper training. Inadvertent mistakes can make immigrants vulnerable to processing delays, additional filing fees and fines, criminal liability, and even deportation.

One common issue can occur when immigrants apply for lawful permanent resident status (a “green card”). An individual may have a criminal record from an incident years ago that

they may have forgotten about and do not realize makes them ineligible for a green card. Not only will this prior history cause the green card application to be denied, but for certain types of crimes the immigrant could be sent to Immigration Court for a deportation hearing. Rather than establishing a more permanent presence in the United States, the applicant may be at risk of being sent back to his or her home country. That is why it is critically important that immigrants get help from a qualified individual *before* submitting immigration forms.

Even the simplest mistakes can have terrible consequences. For instance, using the incorrect form to file for a visa extension will cause the application to be rejected. But by the time the paperwork has been processed and the mistake has been discovered, the visa may have expired and now the immigrant—who thought she applied for an extension on time—is suddenly without status and now at risk of being deported. In some cases, immigrants who inadvertently violate immigration laws can be banned for life from receiving virtually all immigration benefits. While it is good to want to help immigrants, help from an unqualified source can be dangerous.

In addition to potentially being harmful, the unauthorized practice of immigration law is illegal. Federal Regulations limit who can represent immigrants before the Department of Homeland Security and the Executive Office for Immigration Review. There are two main groups of people who may provide representation for immigration purposes: (1) licensed U.S. attorneys, and (2) non-lawyer representatives who are accredited by the Board of Immigration Appeals (BIA) and who work for an organization that is recognized by the BIA. Individuals who are not a member of either of those groups and engage in immigration representation could be committing the crime of unauthorized practice of law. States have differing laws regarding the unauthorized practice of law, but in some states the penalties can be severe. In California, for

example, the penalty for unauthorized practice of law can be up to one year in jail and a fine of up to one thousand dollars.

### **III. How Can You Help Immigrants?**

Even though individuals without legal training cannot perform direct legal immigration work, there is still much that community leaders can do to aid immigrants and help them to prepare for immigration reform. Specifically, faith and other community leaders can (1) assist individuals in finding quality legal services, (2) help immigrants protect themselves and avoid fraudulent legal providers, and (3) provide other assistance to help individuals prepare to meet the likely requirements to normalize their immigration status or gain citizenship.

#### *1. Help Individuals Find Quality Legal Services*

One important role that faith and other community leaders can play is by helping immigrants recognize and connect with affordable, high-quality legal services. As trusted members of the community, individuals may be inclined to come to you for advice and assistance in their immigration-related issues. While you cannot assist them with immigration forms, you can help point them in the right direction. The American Immigration Lawyers Association (AILA) maintains a database of immigration attorneys all across the country. The AILA “Find a Lawyer” tool (available at [www.ailalawyer.com](http://www.ailalawyer.com)) can help you and your clients identify qualified immigration lawyers in your community.

Additionally, the Board of Immigration Appeals maintains a roster of organizations that it recognizes as qualified to represent immigrants. The roster is available at [www.justice.gov/eoir/ra/raroster\\_orgs\\_reps\\_state\\_city.htm](http://www.justice.gov/eoir/ra/raroster_orgs_reps_state_city.htm). Moreover, the Catholic Legal Immigration Network, Inc. (CLINIC) has an affiliate network of non-profit legal service

providers across the country. Its directory can be found at

<https://cliniclegal.org/affiliates/directory>. All of these resources can help immigrants find the quality legal assistance that they need.

In addition to these resources, organizations often find it helpful to prepare a general handout with the names and contact information of multiple reputable and low-cost immigration legal service programs and private immigration attorneys in their area. This makes it easy to provide quick and consistent assistance to immigrants as they come to you for help. Remember to list numerous attorneys and organizations on the handout, both to give individuals lots of options and to avoid the appearance of endorsing any particular attorney or organization. It may also be helpful to include the foreign language capacity of the attorneys and organizations on the handout.

In addition to connecting immigrants with legal service providers, it is important to gather feedback as well. Once you help an immigrant find a lawyer or BIA-accredited representative to assist with his immigration situation, ask him how the experience went and whether he would recommend that legal service provider to other immigrants seeking legal assistance. In this way, your organization can build a comprehensive list of reliable, high-quality service providers in your area.

## *2. Help Individuals Avoid Fraudulent Legal Service Providers*

Faith and community leaders can also play an important role in helping immigrants avoid being cheated or scammed by fraudulent legal service providers. It is an unfortunate truth that immigrants are often vulnerable to being taken advantage of because they are new to this country and unfamiliar with our language and legal system, or looking for fast and affordable solutions. For these reasons, unscrupulous actors will often target immigrant communities and try to take

advantage of their vulnerabilities by offering fraudulent legal services. Often, these individuals will advertise and portray themselves as attorneys or immigration experts, even though they have no legal certification or training. They may solicit immigrants' business, promise to help them handle an immigration issue or apply for an immigration benefit, take their money, and then simply disappear.

One common issue involves so-called *notarios públicos*. In many Latin American countries, a *notario público* or *notario* refers to an individual who has received the equivalent of a law license and who is authorized to provide legal advice and representation. For this reason, immigrants from Latin American countries may view businesses that advertise as *notario públicos* or *notarios* as being qualified and legitimate legal immigration service providers in the United States. However, in the United States a notary public is *not* an attorney and does not have the authority to provide legal advice. A notary public is simply a person appointed by the state government who has the authority to administer oaths and witness the signing of legal documents. They are not at all authorized or qualified to provide immigration advice or legal representation. But the similarity between the English and Spanish terms creates a unique opportunity for deception that is misleading to Latin American immigrants.

Without adequate information, it is easy for immigrants to fall victim to *notarios* and other fraudulent immigration scams. Therefore, it is important to warn immigrants about the dangers of fraudulent legal service providers and tell them to beware of suspicious practices that suggest that the service provider is not legitimate. Some common warning signs include:

- Calling themselves “*notarios*” or “*notarios públicos*.” Requiring payment in cash.



- Demanding that checks or money orders be written out to an individual or to “cash,” rather than a firm, agency, or organization.
- Refusing to provide full contact information, including name, address, telephone number, and business name.
- Claiming to have connections or special influence with a government office or agency.
- Trying to make the immigrant sign an application that contains false information, or to sign blank forms. Tell immigrants that if they must sign a blank form, they should make sure that they get a copy of the completed form and check to make sure all the information is correct *before* it is filed.

In addition to helping immigrants avoid fraudulent providers by recognizing the warning signs, it is also important to tell immigrants what positive actions they can take to protect themselves. Community leaders should encourage immigrants to:

- Verify that the person is a licensed immigration attorney or a BIA-accredited representative at an organization recognized by the BIA to provide legal immigration services. Immigrants must do this *before* agreeing to use their services or paying them, and *walk away* if the person does not have a license or accreditation.
- Request a fee receipt for *any* payments made and review it to ensure that it accurately reflects the amount paid, the services provided, and the date.
- Keep cancelled checks, money order records, or other documentation to provide proof that they paid for legal services.

- Obtain and keep copies of everything that the organization or attorney files with U.S. Citizenship and Immigration Services and the immigration court on their behalf.
- Ensure that the legal service provider signs all immigration forms as a “preparer” before submitting them.
- Not pay for any referrals to legal services.

These “best practices” will not only help individuals avoid being taken advantage of by *notarios* or other immigration scams, but also protect them against well-meaning but incompetent legal service providers. Even when using legitimate and competent legal representatives, habits like keeping records, receipts, and copies of submitted forms are always a good precaution against future questions or disagreements as to what legal work was done, what forms were submitted, and how much was paid.

Finally, it is also important to encourage and help immigrants to file complaints against *notarios*, consultants, immigration attorneys, or other service providers who are fraudulent or incompetent. Complaints can be *anonymously* filed online with the Federal Trade Commission on FTC Complaint Assistant, available at <https://ftccomplaintassistant.gov> . Immigrants should file complaints with their state and local authorities as well, in addition to the local chapter of the Better Business Bureau. The American Immigration Lawyers Association (AILA) has a “Stop Notario Fraud Website” with additional tips and resources on fraudulent immigration services. It can be found at [www.stopnotariofraud.org](http://www.stopnotariofraud.org).

### 3. Provide Other Assistance to Help Individuals Prepare

In addition to helping immigrants find quality legal services and avoid fraudulent legal service providers, faith communities can also help immigrants prepare for and meet the likely

requirements for future processes to normalize their immigration status or gain citizenship. For instance, most immigration applications—for citizenship, a green card, or other benefit—require a large amount of documentation. Individuals may have to produce documents to demonstrate continuous physical presence in the United States for a certain period of time, employment history, identity verification, and evidence of good moral character. Community leaders can help immigrants gather and prepare this documentation. Additionally, community leaders can provide translation assistance with documents and immigration forms, so long as they do not provide legal advice.

Furthermore, gaining citizenship requires basic English language skills and knowledge about U.S. history and government. Community leaders have an important role to play in connecting immigrants with local low-cost or no-cost courses to improve their English skills and gain an understanding of U.S. civics. Churches and other faith-based and community groups may even want to consider offering their own English as a Second Language (ESL) and civics classes to help immigrants and their families meet these requirements.

A final issue involves taxes and finances. Immigrants—even undocumented ones—are required to file income tax returns each year. As part of any future legal pathway to citizenship, many immigrants will likely have to file past tax returns or adjust previous returns to comply with this requirement. Helping immigrants find free or low-cost income tax preparation services will be crucial to meeting this requirement. Additionally, the filing and processing fees associated with applications for immigration benefits can be prohibitive. They can impose a heavy financial burden, particularly on low-income immigrant families. To prepare for this, it is important to encourage immigrants to begin saving now. Helping individuals to open accounts with banks and credit unions can help them financially prepare for changes to immigration law

and policy. Churches and other faith-based and community organizations may want to consider starting micro-loan programs, whereby individuals obtain a loan to pay their immigration-related application fees and then pay it back so that another individual can obtain a loan for their fees.

#### **IV. Conclusion**

Faith leaders will play an important role in the process to smoothly implement much-needed immigration reforms. While it is important to understand the limitations on what individuals without legal training can do, there are a great number of things that community-based organizations can do to help. As trusted community institutions with existing ties to immigrant communities, faith leaders and community service providers have a unique opportunity to lead the way in helping immigrants prepare for and obtain the benefits of any future legal changes.

*For more information about how your organization can prepare for changes to immigration law and policies, please contact Michelle Sardone, CLINIC's Director of Legalization, at [msardone@cliniclegal.org](mailto:msardone@cliniclegal.org). Please also visit CLINIC's website at [www.cliniclegal.org](http://www.cliniclegal.org). CLINIC is a nonprofit organization established by the United States Conference of Catholic Bishops in 1988. CLINIC supports community-based immigration programs that assist those in need of quality, low cost, legal services.*