

Toolkit: Immigration Legal Clinics for Labor-Based Deferred Action

This toolkit aims to share information about how to organize legal clinics for workers who may be eligible for labor-based deferred action under the new Department of Homeland Security (DHS) policy announced in January 2023. Given the limited capacity for providing full legal representation to all eligible workers, as well as the financial burden for workers of seeking private immigration counsel, legal clinics have emerged as an important model for democratizing access to this legal process. We hope organizers and advocates working with immigrant communities will consider using a clinic model to empower workers to obtain immigration protections and to assert their rights in the workplace.

This toolkit provides an overview of key components of legal clinics, with an emphasis on the specific clinic model used to support seafood processing workers in New Bedford, Massachusetts (the “Eastern Fisheries” case) through the successful collaboration of three organizations—Centro Comunitario de Trabajadores (CCT), Justice at Work, and the Justice Center of Southeast Massachusetts. By leveraging the resources of their organizations and communities, these legal clinics assisted over 100 workers in filing deferred action applications. The National Immigration Law Center (NILC) has played a supporting role by providing technical support and compiling this toolkit based on the generous contributions and documents shared by the three partnering organizations.¹

This toolkit is not intended to provide the only model for legal clinics or to provide rigid how-to instructions, but rather offers general information, as well as examples, practice pointers, and lessons learned from the deferred action clinics organized on behalf of Eastern Fisheries workers. We encourage advocates, organizers, and legal practitioners to tailor this clinic model to the needs and resources of their communities. The final page of this toolkit includes resources on filing for deferred action and organizing legal clinics, as well as a link to access appendices with samples and documents from the Eastern Fisheries clinics.²



1. This toolkit was created by the Centro Comunitario de Trabajadores, Justice at Work, the Justice Center of Southeast Massachusetts, and the National Immigration Law Center. The authors are grateful to Arise Chicago, the National Legal Advocacy Network, SEIU 32BJ, and CLINIC for their review and feedback. For questions about deferred action and/or this toolkit, please contact daforworkers@nilc.org.

2. There are also general resources on the deferred action process on NILC's website: <https://www.nilc.org/issues/workersrights/deferred-action/>.

1 What is a Legal Clinic?

Immigration Legal Clinics

Broadly speaking, a legal clinic (or workshop) is a space – either virtual or in-person – that provides legal information and assistance to groups of individuals interested in the same immigration benefit. Legal clinics are widely used for other immigration benefits such as DACA, TPS, asylum, and naturalization (citizenship), often employing a “pro se” model where individuals file applications on their own without an attorney after receiving legal assistance at the clinic. In the context of deferred action, these clinics can play a critical role in educating workers about this process, screening them for eligibility, advising them on their rights and any risks they may face, and/or assisting them with filing the deferred action applications. The goals, format, and staffing of these clinics are flexible and can be adapted to meet the varying needs of impacted communities and the capacity and expertise of the organizations that serve them. As legal clinics bring community members together who share common needs and goals, these spaces can also be used for information-sharing and organizing beyond the specific legal assistance provided.

Legal Clinics in the Labor-Based Deferred Action Context³

The new deferred action process is unique in that it involves multiple steps and multiple agencies. First, a labor complaint must be filed with a federal, state, or local labor agency. Then, a worker or advocate must request a Statement of Interest (SOI) from the labor agency that urges DHS to use its prosecutorial discretion to grant deferred action and two-year work authorization. Finally, workers must individually apply for deferred action with U.S. Citizenship and Immigration Services (USCIS) following the recent guidance, which requires submitting specific forms and supporting documents. This final step is where legal clinics can assist groups of workers in preparing their deferred action applications. The workers receive legal assistance with their applications at the clinic, then either file them on their own without attorney representation (in the “pro se” model), or with representation from an attorney who assisted them at the clinic (in a “full representation” model).⁴

Worker centers, organizers, and other worker rights advocates play a key role in the first part of the process by supporting workers in identifying labor violations and initiating cases with the labor agency. Worker advocates also often undertake important roles in the outreach and non-legal aspects of organizing legal clinics. However, immigration legal expertise is needed to assist with the deferred action process. Thus, strong partnerships between the worker rights community and organizations providing immigration legal services are essential. Beyond the specific tasks involved in organizing successful clinics, these advocates should work collaboratively to ensure the best possible outcomes for the labor and immigration cases, the impacted workers, and for broader movement goals of building worker power and protecting the rights and dignity of all workers.

3. “For more detailed information about the labor-based deferred action process, please review the resources in the Appendices, including an FAQ and Practice Manual.

4. See <https://www.uscis.gov/g-28>

CASE STUDY: EASTERN FISHERIES

Eastern Fisheries is one of the largest seafood processing facilities in the New Bedford, Massachusetts area. It has employed hundreds of immigrant workers in low-paying jobs. Centro Comunitario de Trabajadores (CCT), a New Bedford-based worker center, and Justice at Work, a Boston-based legal non-profit that supports organizing of workers in low-paying jobs, has spent years supporting Eastern Fisheries employees to challenge unfair labor practices, including building a “comité” (committee) led by workers themselves. After a retaliatory firing of an employee who was leading the fight for better working conditions, Justice at Work filed a charge with the National Labor Relations Board (NLRB) against Eastern Fisheries and the staffing agency that provided most of Eastern Fisheries’ workers, BJs Temp Service. During the course of the NLRB process, Justice at Work requested a Statement of Interest to allow unauthorized workers to participate in and benefit from the NLRB case without fear of retaliation based on their work authorization status. Since then, Eastern Fisheries has allegedly continued its retaliation against workers, terminating the contract with BJs through which over 100 workers were employed.⁵

In response to Justice at Work’s request, the NLRB issued a Statement of Interest supporting deferred action and numerous workers expressed interest in applying. However, workers could not afford private immigration attorneys and there were not enough immigration legal nonprofits to provide free direct representation services to all the eligible workers. So, a partnership was formed between CCT, Justice at Work, and the Justice Center of Southeast Massachusetts’ immigration unit to support Eastern Fisheries workers by providing limited legal services and preparing deferred action applications for workers to submit themselves pro se to DHS. Many of those workers have already received approvals of their deferred action requests and work authorization.



“Our strong relationships with the workers over many years allowed us to build trust, which helped them feel comfortable participating in the deferred action clinics.”

- ADRIAN VENTURA

Executive Director of CCT, at the Eastern Fisheries worksite.

5. <https://thepublicsradio.org/article/new-bedford-seafood-plant-follows-through-on-mass-termination-of-imgrant-workers>

Eastern Fisheries Clinics at a Glance

Lead Organizations Involved	CCT, Justice at Work, Justice Center of Southeast Massachusetts
Number of Staff per clinic	20
Number of Workers/Applicants per clinic	10 - 40
Total number of Clinics	5
Total number of deferred action applications filed	125
Type of Staff	Organizers, worker leaders, interpreters, attorneys, law students ⁶
Hours	10am-7pm
Frequency	Bimonthly
Location	CCT (worker center in the New Bedford community)
Type of Legal Assistance	Limited Legal Services/Pro Se
Food provided	Coffee, donuts, fruit & pupusas

6. The clinics would not have been possible without volunteers from supporting law school clinics and organizations including: Harvard Law School Immigration and Refugee Advocacy Clinic, Northeastern Law School Immigrant Justice Clinic, BU Immigrant Rights & Human Trafficking Program, UMass Law Immigrant Justice Clinic, and the Community Economic Development Center of New Bedford.

2 Types of Legal Clinics

Legal clinics can refer to a wide range of events that provide legal education and assistance, ranging from legal orientation to full representation. Although this toolkit will focus on the limited legal representation/pro se model, it may not be feasible or appropriate for certain cases or organizations. The subsequent section touches on other clinic models to consider, but for more information on capacity building models and strategies for deferred action in labor cases, please see the Capacity Building Models Chart on the Resource page.

Limited Legal Services/Pro Se Clinics

In this model, workers receive legal assistance that is limited to the day(s) that they attend the legal clinic. This will typically involve a screening conducted (or reviewed) by an attorney or Department of Justice accredited representative⁷ who will advise the worker and assist them with preparing their application to be filed with USCIS. In the pro se model, the worker will ultimately file on their own without attorney representation beyond the limited assistance at the clinic.



- ▶ **What are Limited Legal Services?** Limited legal service refers to an agreement where an attorney or accredited representative agrees to provide legal assistance for a limited period, typically for handling a small legal matter or, in this case, for the duration of a one-day clinic.⁸ A sample agreement is included in the Resource Page. The agreement should be available in a language the worker speaks fluently and should make clear to the worker the exact limits of the legal representation (e.g., that it does not extend further than the day of the clinic) and that the worker is responsible for subsequent steps in the case.
- ▶ **What is Pro Se?** Pro se means an applicant will represent themselves in their immigration application. In the limited representation model that is the focus of this toolkit, the worker receives legal assistance in filling out the immigration forms and preparing the application packet, then files the application packet and represents themselves before U.S. Citizenship and Immigration Services (USCIS) without the assistance of an attorney. This means that workers will be receiving subsequent notices and correspondence directly without having a legal advocate representing them throughout the process.

7. The Department of Justice has a program for non-attorneys to become "Accredited Representatives" who are authorized to file applications and represent individuals before USCIS. For more information, see <https://www.justice.gov/eoir/recognition-and-accreditation-program>. See also <https://www.cliniclegal.org/toolkits/recognition-accreditation>.

8. USCIS specifically allows immigration legal filings to be prepared as group events and then later filed by the individual seeking an immigration benefit.

Pros of Limited Services/Pro Se Models

This model increases capacity for more workers to apply for deferred action in a shorter time frame. It allows for professional legal assistance with advising workers on the risks/benefits of applying and with preparing their applications. A successful clinic using the limited legal services model can help workers submit applications that meet all the requirements of the new labor-based deferred action process and result in large scale approvals and receipt of employment authorization.



Cons of Limited Services/Pro Se Models

By virtue of serving large groups of workers in a short amount of time, cases will not receive as personalized attention at a legal clinic as they would with full representation. Clinics may also rely more on the workers to self-report information and provide key documents rather than doing independent record gathering and review. The focus of clinics on a specific type of immigration relief also means that clinic staff may not identify workers' potential eligibility for other forms of immigration relief.

As noted above, *pro se* applicants—not the attorney or legal advocate—will typically receive important mail and notices from USCIS, including receipts, rejection notices, biometrics notices, Requests for Evidence (RFEs), work permits, and social security cards. This can be particularly problematic if a worker moves or does not have a stable address to receive mail (see section below for more information on mailing addresses). In addition, without a legal advocate to address complications with the case, a worker's case could be rejected or denied for reasons that could have been remedied with legal assistance. To prevent this, advocates who host legal clinics typically maintain open communication with participants after the event.

NOTE | Complex Cases

Some deferred action cases present complex issues that are not appropriate for the limited legal services or *pro se* model (for example, cases that involve significant immigration or criminal histories, limited literacy, or physical or mental trauma). These cases often involve additional time spent with the client and gathering records, as well as more strategic legal advocacy before USCIS. Some legal organizations hosting clinics may consider taking on a limited number of cases for full representation that are particularly complicated, or they may provide referrals for workers to seek full representation elsewhere. See the subsequent section on Screening and Advising and Sample Intake Form in the Resources.

Other Types of Legal Clinics

Below are some examples of different types of legal clinics. These models are not mutually exclusive and may be employed for certain workers or cases in conjunction with limited scope representation:

- ▶ **Know Your Rights (“KYR”)/Eligibility clinics.** These events introduce interested individuals to a type of legal remedy, potential eligibility for the remedy, and the risks/benefits of applying. Depending on capacity and resources, these clinics may be the first step to educating a community, with legal clinics to actually file applications coming later. Since worker centers already have regular meetings with workers, this can be integrated into those meetings (as was done at CCT).
- ▶ **Intake Clinics.** These clinics provide individualized, in-depth screening of workers for eligibility, flagging any potential issues, and identifying documents that may need to be requested. This type of clinic can be helpful in identifying and referring cases for pro bono representation, or may be part of a multi-step process where workers return for further assistance with completing and filing their applications.
- ▶ **Clinics Leading to Full Legal Representation.** These clinics look similar to those involving pro se models, except that the worker is fully represented by an attorney or accredited representative. This means that deferred action or any other USCIS application would be filed with a Notice of Appearance (USCIS Form G-28) signed by the attorney or representative, who is then authorized to communicate directly with USCIS on the worker’s behalf. Full representation is essential for some workers with more complicated cases, such as those involving other types of relief such as U/T visas, or removal proceedings before the immigration court.

10 Key Considerations for Hosting Clinics

1. What type of clinic meets the needs and resources of my community to support workers seeking deferred action?
2. What organizational partnerships will I need to organize a successful legal clinic in my community?
3. What are the strategies for inviting eligible workers?
4. What are the strategies for recruiting attorneys and other volunteers?
5. What space & equipment are needed/available for the clinic?
6. What documents and instructions need to be in place to ensure confidentiality?
7. What materials need to be created to support workers and train clinic volunteers?
8. Will the clinic have the resources to support workers who need to gather records such as FOIAs and criminal records before applying?
9. What is the plan for complicated cases (taking in-house, referrals, etc.)?
10. How will workers be informed of next steps after the clinic and who to contact with questions or concerns?

3 Setting up a Deferred Action Legal Clinic

Prepare, prepare, prepare! To run a successful clinic, there is much that must be done in advance. While the benefit of a clinic is to serve large groups of workers, it is a considerable undertaking to set them up in a way that is thoughtful, effective, and ethical. The good news is it gets easier once there are template materials, recurring volunteers, and improvements from lessons learned from previous clinics.

A well-run clinic is organized weeks in advance and clinic organizers should include clinic preparation in assessing the overall time and resources involved. That time is spent identifying an appropriate space and supplies, doing outreach and education to potentially eligible workers, recruiting and training volunteers, and ensuring that workers gather the relevant information and documents required for a deferred action application. All of these steps save time and resources on the day of the clinic. By front-loading this work in advance, workers are much more likely to have a "ready to file" packet completed by the end of the clinic, rather than needing to return for follow-up assistance and/or another clinic (ultimately taking more staff time and delaying the worker's request for deferred action).

Eastern Fisheries Clinics

We tried to do as much as possible before the clinic so it would run more smoothly. CCT hosted meetings beforehand on the deferred action application process and benefits. We coordinated with workers in advance, so they knew what to expect and what documents to bring. Still, at the first clinic, many workers did not have all the information needed to complete the forms (such as all their previous addresses, parents' dates and places of birth, and birth certificates of U.S.-born children). Because of this, it took volunteers hours to complete the forms. After that, we made sure the workers knew to arrive with all the information for the forms so they could be completed more quickly.

- ADRIAN VENTURA

CCT Executive Director

Choosing a Location

Deferred action clinics can take place at various locations. Worker centers, law schools, libraries, churches, a nonprofit space - these are all suitable locations to host a clinic. When selecting a space, the organizer should consider size (is there enough room for clinic attendees to move from station to station), location (is it close to public transportation, is there sufficient parking available, and are the workers' familiar with the location), and technology needs (such as sufficient internet access and bandwidth, computers, and printers/scanners).

Eastern Fisheries Clinics

The clinics were held at CCT, a space in New Bedford that was already familiar and comfortable to many of the workers. Worker attendance and transportation was much easier than if we'd hosted them in Boston, where some of the volunteers were based, or even at UMass Law School, which is not far from CCT but is unknown to workers. At first, there were also challenges. Between the first and second clinics, CCT had to upgrade their internet and buy a new printer/scanner in order to meet the demands of the clinic.

- TOM SMITH

Justice at Work Executive Director

Outreach & Inviting Workers

There are various strategies for letting workers know about their possible eligibility for deferred action based on their employment at a worksite that is under investigation. However, it is most effective if relationships have already been built with workers before the labor dispute. Many workers forge these relationships over a period of years. For advocates and organizers who have not developed preexisting relationships with workers, they may ask individual workers they are already in contact with to share information with co-workers and/or schedule an informational/KYR meeting ahead of a full legal clinic. Flyers and social media posts can also be useful information-sharing tools but should be approached thoughtfully to avoid making the employer aware of workers' involvement in this process, which could put them at greater risk of retaliation, and/or could limit workers' eligibility for certain remedies in the labor/employment case.⁹

Budget

Assuming organizations can secure a free location to host the clinics, the costs of a clinic can be minimal. However, in addition to staff time and salaries, there are often up-front costs to hosting clinics, particularly in

Eastern Fisheries Clinics

Much of the outreach to Eastern Fisheries' workers was done by CCT members, leaders themselves, some of whom worked at Eastern Fisheries. We relied on them to help do outreach and invite other workers. Some of them also became volunteers at the clinics. This helped create a high level of trust and a supportive environment for the workers.

- ADRIAN VENTURA

CCT Executive Director

9. See the Eastern Fisheries Flyer in the Appendices.

terms of technology & equipment, such as laptops, printer/scanner, upgrading internet bandwidth (though volunteers may be able to use their own devices). Beyond that, each clinic will have some incidental costs such as gas, office supplies, snacks (unless donated), etc. Organizations considering the clinic model should identify up-front costs as well as incidental ones to budget accordingly.

Confidentiality

Due to the sensitive personal information shared by workers and the ethical obligations of the attorneys and legal organizations involved, confidentiality is key. It is essential that confidentiality considerations and obligations are initially planned for as part of the clinic set up. Everyone who is staffing the clinic (volunteers, lawyers, interpreters, etc.) should review and sign a confidentiality agreement acknowledging that attendees will be sharing personal and important information, and clinic staff and volunteers are prohibited from sharing that information outside of the clinical setting. All attorneys and participants should sign limited legal representation agreements so that any information shared by participants is potentially protected by attorney-client privilege. See the Resource Page for a sample Limited Legal Representation and Confidentiality Agreement.

Additionally, the space at the clinic should be arranged thoughtfully to protect confidentiality. Individual workers should meet in separate spaces so worker information cannot be overheard by other staff or participants. Unless a non-attorney is employed by a legal organization hosting the event, such as a paralegal, legal assistant, or organizer working at a legal organization, their presence during a worker's interview can break attorney-client privilege (though interpreters are exceptions) and thus should be avoided. Workers can always choose to waive privilege if they wish to share confidential information with organizers or other non-attorneys but should be informed of potential consequences.

Any organization retaining worker information and documents should also maintain those documents confidentially, ideally with a legal organization that is accustomed to maintaining privileged client information serving as the organization to house the documents. Volunteers should not retain access to online spreadsheets or any documents with personal information after the day of the clinic. (And any personal information that may have been recorded on a volunteer's personal laptop or other device should be permanently deleted at the end of the clinic.)

Eastern Fisheries Clinics

There were 10-20 tables at each clinic. Each table at the clinic had one applicant and 1-2 volunteers (plus an interpreter, if needed) reviewing the worker's documents and filling out forms. 2-5 supervising attorneys circulated the clinic supporting the volunteers, advising workers, and reviewing final application packets. This staff was able to serve up to 40 workers per clinic.

- COURTNEY SNEGROFF

Staff Attorney, Justice Center of Southeast Massachusetts

Eligibility Screenings

Volunteers should perform an initial screening via telephone or in person to determine if the worker is eligible for deferred action. See Resource Page for Sample Intake Form. The purpose of an initial screening is primarily to confirm: 1) that the worker falls within the scope of the SOI (meaning the worker was employed at the worksite named in the SOI during the time covered by the SOI); and (2) is currently without work authorization; and 3) is interested in seeking deferred action.

FOIAs & Background Checks

Some legal clinics offer assistance with requesting FOIAs and background checks, which are necessary for workers with certain immigration and criminal histories to make informed decisions on whether to apply, as well as what information to include in the application. As noted above, these are particularly important for workers who report prior immigration or criminal history but lack documentation or other details about them.¹⁰ FOIA requests for most immigration agencies are now available online, but still often require assistance¹¹ FBI background checks (which include most criminal history and border arrests) can also be requested online, but must be submitted with fingerprints, which can be done in a clinic setting with the appropriate equipment.¹² See the Chart below on clinic staffing & equipment. If the clinic is not equipped to assist with obtaining records, clinic staff should refer workers to local immigration practitioners who can assist with this for a reasonable fee. In either case, workers should be instructed on next steps after receiving their records, such as attending a subsequent clinic, contacting one of the legal organization(s) involved, or seeking full representation.

Required information & Supporting Documents

Workers must provide personal information and various documents in support of their application. Clinic organizers should communicate ahead of the clinic what documents workers should bring. See Sample Flyer and Checklist in the Appendices.

These typically include:

- ▶ All biographical information required by the G-325A
- ▶ Birth certificate, Passport, or consular ID to prove the person's identity
- ▶ Evidence that the applicant worked at the relevant worksite and/or for the relevant employer during the time period covered by the SOI (e.g. employee work schedule, time cards, pay stubs, etc.)

10. See the Labor-Based Deferred Action Practice Manual in the Appendices for details about what types of FOIAs and records requests correspond to various issues raised by the worker's history.

11. The Immigrant Legal and Education Center (ILRC) FOIA Guide has detailed information on how to file each type of FOIA. See https://www.ilrc.org/sites/default/files/resources/new_foia_dhs_practice_advisory_-_2021_0.pdf. At the time of writing, the most expeditious requests were to USCIS (under 30 days if filed online) which should reflect any prior removal orders, and FBI Background Checks (5-10 days if filed electronically), which should include most criminal history and border arrests.

12. For instructions, see <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/identity-history-summary-checks>

- ▶ Any immigration paperwork (previous immigration applications, previous work permits [if any], any U.S. government immigration documents [e.g. deportation orders, etc.])
- ▶ Birth Certificates for all U.S.-born children
- ▶ \$410 filing fee for Employment Authorization (Work Permit) Application, or fee waiver if the applicant is unable to pay the application fee and can establish eligibility through supporting evidence.¹³

NOTE | Confidentiality ahead of the Clinic

Some advocates may wish to collect information and/or pre-fill forms in advance to streamline the process on the day of the clinic. While this can save time and help ensure workers' full application packets can be completed during the clinic, it can raise confidentiality concerns if the forms are prepared by non-attorney volunteers or staff from non-legal organizations. Without the privilege and confidentiality coverage of the clinic itself, employers could potentially seek worker records in defending themselves in the labor case. Some alternative strategies are for only legal organizations that typically retain confidential legal information should retain documents or pre-fill forms ahead of the clinic, or for advocates to communicate clearly with workers to ensure they bring the information and documents required, but without collecting them beforehand. See Sample Questionnaire and Spanish Language G-325A on the Resource Page.

Worker Statement/Cover Letter

The DHS guidance further requires a worker to submit a signed statement requesting deferred action. Advocates have taken different approaches, either preparing a short statement on behalf of the worker or having the worker sign the cover letter. Since most clinics involve workers in a single labor dispute, organizers may prepare a template cover letter and/or worker statement broadly describing the labor dispute and the government interest in granting deferred action generally, which can then be modified on the day of the clinic based on the individual worker's case.

13. USCIS does not accept cash and does not offer electronic payment options for deferred action, meaning the filing fee must be paid by check or money order. In the Eastern Fisheries model, the clinic organizers assisted with the logistics of paying the filing fee by collecting \$410 from each applicant and purchasing money orders in bulk. Generally, advocates may want to identify applicants who are unable to pay before the clinic and request that they bring the documents that will be needed to support the fee waiver application (generally, proof of public benefits assistance or other proof of low income). See USCIS Form I-912, Request for Fee Waiver instructions. <https://www.uscis.gov/i-912>.

4 Partnerships & Staffing the Legal Clinic

Although attorneys and/or DOJ accredited representatives must play a role in the process, organizers, worker leaders, and other non-attorney volunteers are also key participants in a successful legal clinic model. Successful clinics often involve partnerships with community and legal organizations and/or law firms to connect communities in need of assistance with legal experts. In the context of deferred action clinics, it is especially important to build partnerships between the worker centers and worker rights organizations involved in the labor case with immigration practitioners.

Eastern Fisheries Clinics

In addition to the collaboration between our three organizations and the support of Eastern Fisheries worker volunteers, law school clinics and local non-profit allies also provided critical volunteer support in completing the forms and putting together the packets that were then reviewed by attorneys.

- TOM SMITH

Justice at Work Executive Director

Recruiting Attorneys & Other Volunteers

In addition to staff at the organizations hosting the clinics, additional volunteers will increase capacity to serve more workers.¹⁴

- ▶ **Attorneys:** It is important that the clinic be overseen by an attorney, ideally who is experienced in immigration practice, and that additional attorneys are on hand to provide individualized advice and case review. Experienced immigration attorneys and accredited representatives are ideal as they will need the least training. Some outreach ideas are other community organizations serving immigrants, law school immigration clinics,¹⁵ local bar associations, and the local AILA (American Immigration Lawyers Association) Chapter. Non-immigration attorneys in private practice in either big or small firms can also be recruited, but they will require more resource-intensive training to familiarize themselves with the law.
- ▶ **Interpreters/Translators:** USCIS does not require interpreters or translators to have official licensing or certification. Accordingly, any community member that is fluent in both English and the worker's language can serve in this capacity at the legal clinics. If there are not sufficient volunteers who speak the workers' native language, there are telephonic interpretation services like Language Line that can be used, though they should be budgeted for in advance.

14. The Chart below highlights various clinic staffing needs.

15. Law student volunteers will typically be supervised by the clinic professor who will be an attorney with immigration expertise.

- ▶ **Other Volunteers & Donations:** Additional volunteers are critical to the overall functioning of the clinic. Such potential volunteers include college students, community center staff, faith community members, and worker leaders. Local businesses, law firms and mutual aid organizations may also be able donate food, gift cards, in-kind donations, or other items to support workers attending the clinics.
- ▶ **Remote Volunteers:** In geographic areas with more limited legal resources, advocates may consider recruiting remote volunteers (such as attorneys or law school clinics in larger metropolitan areas). Remote volunteers can be integrated into an in-person clinic through confidential stations with laptops and open Zoom links.

Training Clinic Staff

There are various legal and non-legal roles (as listed below) for volunteers at a clinic, and each role requires training. Organizers may consider preparing an instruction sheet for each clinic role that includes detailed instructions for the volunteer on how to perform their duties both in advance and on the day of the clinic. A volunteer orientation prior to the clinic is another good idea.

Eastern Fisheries Clinics

Some clinic volunteers completed a training in advance of the clinic while others received detailed instructions the day-of on how to perform their roles. Training was provided on what deferred action is, how to fill out the immigration forms, and on the technology and equipment that was used at the clinic.

- COURTNEY SNEGROFF

Staff Attorney, Justice Center of Southeast Massachusetts



Key Staffing Roles & Equipment for a Successful Legal Clinic

Role	Duties	Equipment/ Materials needed	Attorney/DOJ Rep required?	Potential Volunteers
Check-in/ Check-out	Staff clinic entrance to ensure workers check in with a sign-in sheet or spreadsheet and are directed to the appropriate next step or station. (If workers will be attended to on a first come, first serve basis, it's important to keep track of their order of arrival.)	Laptop and/or clipboard with sign-in sheet; copies of limited rep agreements; pens; table with seating for check-in staff	No	Worker center members, organizers, students, interns, other volunteers.
Legal Orientation	Provide an overview of deferred action, the application process, and the clinic flow.	Common space large enough to hold participants; any handouts or audiovisual equipment needed to present the information.	Preferred	Ideally a combination of a legal advocate, an organizer, and/or worker leader.
Legal Screening	Screen worker to obtain information required on USCIS forms as well as other background information that may impact their case.	Confidential workspaces (with table & chairs), laptops with internet preferred but otherwise paper intake forms, notepads, and pens.	Preferred	Attorneys, paralegals, law students, organizers.
Background Checks	Fill out background checks (FOIAs, criminal records, etc.) for workers and submit them for processing.	Laptops for online FOIA requests; kit to roll fingerprints and FBI FD 258 fingerprint cards; ¹⁶ internet	No	Attorneys, paralegals, law students, organizers (someone with fingerprinting experience if offering FBI background checks).
Legal Advising	After reviewing the intake, including any criminal or immigration background checks, provide individual advice on pros/cons of applying.	Confidential workspace, notes from legal intake.	Yes	Attorney or accredited representatives.

16. Both fingerprinting kits and cards can be purchased inexpensively online.

Role	Duties	Equipment/ Materials needed	Attorney/DOJ Rep required?	Potential Volunteers
Form Completion	Assist workers with completing required forms to submit to USCIS.	Electronic or paper USCIS Forms G-325A, I-765, I-765WS, I-912 (optional for fee waiver); internet if using online forms.	No	Attorneys, paralegals, law students, organizers.
Interpretation	Assist with screening and form completion as needed. Must sign I-765 as interpreter.	None	No	Bilingual speakers of workers' primary language and/or access to telephonic interpretation.
Document Collection	Staff a station scanning and/or copying workers' documents for submission	Printer/scanner (preferably more than one); internet access	No	Organizers, students, interns, other volunteers.
Document Translation	Translate worker documents as needed. ¹⁷ This can be done ahead of the clinic if the workers have already provided documents.	Templates for foreign birth certificates (if available); template certificate of translation; pre-drafted cover letter.	No	Bilingual speakers of workers' primary language.
Packet Review	Review full packet including forms, worker statement and/or cover letter, and supporting documents.	Copier/scanner to copy final packet.	Yes	Attorney or accredited representative. If filing as a representative, include G-28.
Miscellaneous	Additional staff can help with workflow to different stations and assist with other needs (e.g. childcare, meals, and transportation).	Food, vehicles, etc. depending on the type of assistance offered.	No	Worker center members, organizers, students, interns, other volunteers.

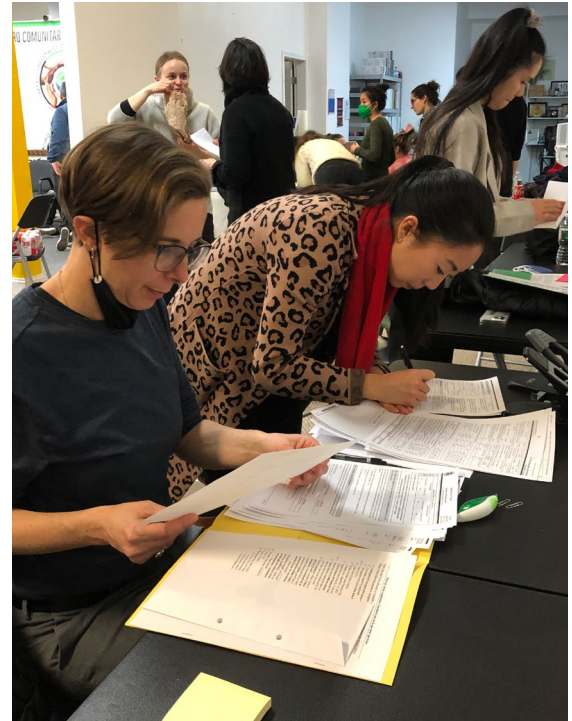
17. All documents submitted to USCIS must be in English or be translated with a certificate of translation. Template birth certificate translations are particularly useful and can be prepared and pre-filled prior to the clinic. Most passports are already in English in addition to the language of the country of origin, so do not require translation.

5 The Day of the Clinic

To run a successful clinic, advocates will want to ensure that all volunteers and clinic staff are trained in their specific roles.

Check-in Process

Trained volunteers will need to be at the entrance to welcome workers, ensure they complete the limited representation agreement, and assign them to the appropriate volunteers. They will also need to keep records of the attendees (which can be done through a prepared spreadsheet or on the day of the clinic). Check-in staff should know the layout of the clinic space, where the restrooms are, and anticipate needs that may arise during the day. Given both participants and volunteers will often be spending the entire day at the clinic, providing coffee, snacks, or even lunch is always appreciated!



Eastern Fisheries Clinics

We had a spreadsheet with all the invitees' information ahead of the clinic. Each worker was assigned a number on the spreadsheet and was assisted in that order. If a worker didn't show up, we moved to the next person on the list and invited the no-show worker to the next clinic. We offered workers with higher numbers to arrive later in the day, though many of them still came early. We provided coffee, donuts, fruit, and pupusas while they waited.

- LISA MAYA KNAUER

UMass Professor and Volunteer at CCT

Screening & Advising

Each worker should receive a full, confidential immigration screening and legal advice on the day of the clinic to make an informed and individualized decision whether to apply for deferred action. Experienced immigration practitioners (attorneys or DOJ accredited representatives) are best situated to conduct the screening, but at a minimum, they should review the information shared during the screening and advise the workers accordingly. This full screening should ideally include the worker's potential eligibility for other forms of immigration relief related to the labor violations that might offer greater benefits (e.g., a U or T visa), as

well as flagging other potential relief. Even if time does not permit a full screening for other forms of relief, all workers must be screened for history of contact with the criminal legal system or immigration enforcement authorities which might indicate heightened risks of immigration enforcement if they request deferred action.

If the worker is eligible for other types of immigration relief, or reports substantial immigration or criminal history, they should be provided with referrals or considered by the host legal organization for full representation. If a worker with a more complicated history still wishes to proceed with applying for deferred action pro se through the legal clinic, clinic staff should ensure appropriate records are gathered (either with assistance by the clinic or referral) before returning to a future clinic to receive further advice on potential risks of applying and whether the case is appropriate for limited legal assistance. As noted previously, workers with significant negative immigrant and criminal history are not well suited for the limited legal services/pro se model and should be advised to seek further advice and representation by an experienced immigration practitioner. Clinic organizers should plan ahead as to whether more complex cases could be handled in-house by a host legal organization or have a vetted referrals list available for those workers.

Form Completion & Document Collection

A combination of legal and non-legal volunteers will assist with these parts of the process, which are typically broken down into individual stations. Printers/scanners will need to be available for the workers' supporting documents and to print/scan completed forms. The forms to be completed include¹⁸ :

- ▶ [USCIS Form G-325A](#), Biographic Information Form
- ▶ [USCIS Form I-765](#), Application for Employment Authorization
- ▶ [USCIS Form I-765WS](#), Worksheet that accompanies the Application for Employment Authorization
- ▶ [USCIS Form I-912](#), Request for Fee Waiver (if applicable, for Employment Authorization Application)
- ▶ [USCIS Form G-28](#), Notice of Entry of Appearance as Attorney or Accredited Representative (only if clinic attorneys are providing full representation)

Signed Statement/Cover Letters

As noted above, a cover letter and/or statement template can be prepared in advance of the clinic with general information about the labor dispute, then modified based on the individual worker's case. In either case, the document needs to be accompanied by a certificate of translation or interpretation unless the worker can read it in English.

18. If the clinic is offering full immigration representation, a USCIS Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, is required (see above section on pros and cons of full representation v. *pro se* applications)

The Importance of Mailing Addresses

It is essential that legal clinic staff ensure that workers receive correspondence and documents from USCIS after the clinic concludes.

- ▶ **Pro se cases:** The address listed in the "Mailing Address" section on Form I-765 is where all correspondence, including the Employment Authorization Document (EAD) and Social Security card (if requested) will be sent. Workers should use their own addresses to receive mail, though some exceptions may be needed for certain workers where there are concerns of housing instability, unsafe addresses, etc.¹⁹ As an alternative, one of the host organizations or another reliable recipient may list their mailing address instead.
- ▶ **Represented cases:** If an attorney or accredited representative (either from the legal organization or pro bono) is providing full representation after the clinic, that individual will generally receive legal mail on behalf of the worker. In those cases, mailing address options on Form G-28 will dictate where correspondence is sent. Advocates should ensure the client is aware of who will be receiving mail and next steps in the process.

Final Review

An attorney or accredited representative familiar with USCIS practice and procedures should carefully review the forms and final packet as a final step in the process. The reviewer should ensure the packet conforms to all DHS requirements, including that all forms are complete (including signatures by the preparer and interpreter as applicable), that the workers has signed the appropriate documents and forms, and the appropriate supporting documents have been included. See Sample Packets in the Appendices.

Check-out Process

When workers are finished for the day, they should be informed of the next steps in the process, and ideally through a document with detailed instructions that they can keep. If their deferred action application has been completed and reviewed, it should be clear if they or the host organization is responsible for mailing it to USCIS (both should retain a copy). The key next steps for workers to be aware once the application is filed are:

- ▶ Application will be sent by mail to USCIS
- ▶ USCIS will issue a receipt notice
- ▶ Worker will attend a biometrics appointment
- ▶ USCIS will issue a decision or communicate that more evidence is needed to complete the application.

19. USCIS must provide special protections to immigrant survivors of violence under 8 U.S. Code § 1367, including allowing workers to provide a "safe" address rather than their own residence. If a worker has applied for an immigration benefit based on their victimization including U or T visas or VAWA or battered spouse petitions (regardless of whether they are related to the labor dispute), they should not be required to disclose their address and may need to identify an alternative, safe one.

- ▶ If deferred action is approved, the worker will receive a notice letter followed by separate mailings of the work authorization card and a social security card (if requested in the I-765).

If a worker's application could not be completed due to missing documents or information, the worker should be informed of what further information is needed and whether to return to a subsequent clinic or appointment with the organization. At a minimum, the worker should leave with contact information of someone to reach out to with additional questions. Workers should be reminded to make sure their name is clearly marked on their home mailboxes so they can receive mail from USCIS.

Organizing at the Clinic

Since deferred action clinics are designed to support a large number of immigrant applicants, organizations often take advantage of members of the community gathering to organize for various programs. Know Your Rights presentations, mutual aid, or other organizing activities can be integrated into the clinic for participants and family members and are encouraged in the clinic setting and can be part of a larger movement-building strategy. In this way, deferred action can be used not just to enforce labor standards and protect workers from removal, but to also strengthen organization and expand outreach to the community.

Eastern Fisheries Clinics

Our active CCT members informed some of their coworkers about deferred action and our legal clinics. At the legal clinic, we were able to explain the work of CCT. We requested that anyone who wanted to participate in the clinic become a member of CCT. This allowed us to expand our membership and now we have new active members, some of whom have become very active. Even some who have now changed jobs are now organizing and educating their coworkers at their new worksites about their employment rights and deferred action.

- ADRIAN VENTURA

CCT Executive Director

Please see the flowchart below that lays out the key steps of deferred action clinics:²⁰

20. This flowchart was adapted from the New Americans Campaign and OneJustice's Best Practices Toolkit for naturalizations workshops. <https://newamericascampaign.org/wp-content/uploads/2017/06/Best-Practices-Toolkit-ProBono-final.pdf>.

Deferred Action Clinic Flowchart

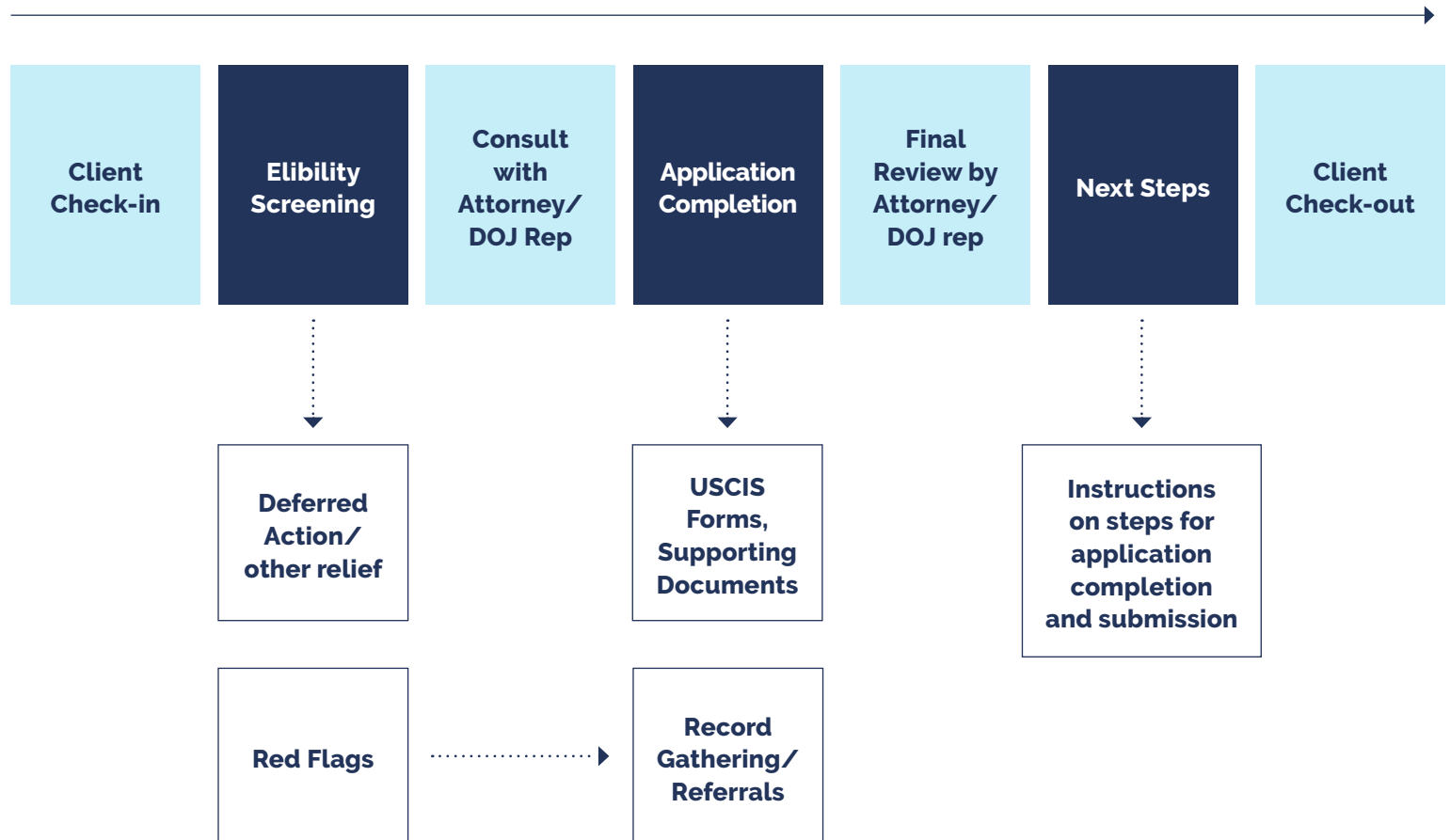
PRIOR TO CLINIC

Outreach, Pre-screening, and Registration

Space, Logistics + Equipment

Volunteer/ Pro Bono Training

DAY OF CLINIC



6 After the Clinic

Maintaining & Protecting Worker Information

Once the clinic concludes, documents and work product should be carefully managed to maintain case confidentiality and worker privacy. As referenced above, volunteers' laptops should be cleared of any worker information. Notes, drafts forms, copies of personal information, or other clinic-related paperwork should be cleared from the clinic space, deleted, or shredded. Copies and scans of workers' information and applications should be housed at the host legal organization pursuant to their confidential record-keeping policy. This careful maintenance of worker information will help prevent employers from potentially gaining access to them during the labor case or related litigation.

Worker Follow Up

The clinic staff should inform workers of what to expect in the mail after the clinic (receipts, biometrics notices, RFE's, EADs, approvals/denials). Providing written instructions is always helpful. Workers should also have a point of contact for questions or concerns that arise after the clinic. See the Eastern Fisheries Flyer in the Appendices. Many workers will likely have ongoing communication with organizers and worker rights advocates involved in the underlying labor case.

Address Changes

All immigration applicants must maintain a current mailing address with USCIS, and if they move, they must notify USCIS of their new address within ten (10) days. USCIS has a [form](#) for address changes that can be completed online or in person.

Conclusion

Legal clinics can strengthen partnerships between worker rights organizations, the legal community, and workers. They are an empowering means to leverage the strengths and expertise that exist in the community to democratize the law and ensure that everyone can receive quality and effective legal services. Preparation is key – many things can be done in advance of a clinic. Be sure to think ahead about confidentiality protections, the flow of the day, and how people will move around the clinic to access the help and resources they need. Anticipating the needs of your attendees and staff in advance will help ensure that your clinic runs smoothly and efficiently. Good luck preparing for and running your deferred action clinic!

Resources on Labor-Based Deferred Action & Organizing Clinics

[DHS Guidance](#)

[Practice Manual: Labor-Based Deferred Action](#)

[Sample Full Immigration intake Form](#)

[Community Facing Deferred Action Explainer](#)

- [Spanish Translation](#)
- [Other Translations: Arabic, Chinese, Hindi, Korean, Kreyol, Mixtec, Portuguese, Tagalog](#)
(see NILC Deferred Action page)

[NILC FAQ on Labor-Based Deferred Action](#)

[Capacity Building Models & Strategies for Deferred Action](#)

Appendices: Protected Documents and Eastern Fisheries Samples

PLEASE [CLICK HERE](#) TO REQUEST ACCESS

1. Eastern Fisheries Statement of Interest
2. Eastern Fisheries Clinic Flyer
3. Sample Approved Eastern Fisheries Application Packet
4. Sample Intake Form–G-325A Only (Bilingual)
5. Form G-325A in Spanish (unofficial draft; NOT to be filed with USCIS)
6. Eastern Fisheries Volunteer Instructions
7. Sample Clinic Checklist for workers
8. Final Review Checklist
9. Eastern Fisheries Clinic Participant Spreadsheet
10. Sample Confidentiality Agreement
11. Sample Limited Legal Services Agreement
12. Recording of Training on Deferred Action Immigration Clinics (National Legal Advocacy Network)
13. Slides from Training on Deferred Action Immigration Clinics
14. Sample Certificate of Translation