

Immigrant Post-Conviction Legal Relief Clinic Process

Intake Clinic

1. Clients provided a free Live Scan to obtain CA Dept. of Justice RAP sheet
2. Client performs in-depth screening interview with Pro Bono Volunteer

Legal Analysis

LSO/Expert Consultants review and analyze criminal record and screening questionnaire to identify immigration and post-conviction relief needs and opportunities

Resolution Options

Convictions Impact Immigration Status

1. Legal consultation
2. Expungement or reduction services performed by Pro Bono Attorney
3. Placement with Pro Bono Attorney For full-scope vacatur for cause
4. Know your rights information if no relief avail.

Convictions Do Not Impact Immigration

1. Legal Consultation
2. Immigration referral if immigration relief avail.
3. Know your rights information if no immigration relief avail.

Referral

Warm referral to immigration provider for clients eligible to naturalize or for other immigration relief either before or after post-conviction relief services

Clinic Process Details

Intake Clinic

One-day clinic to gather information from client. Staffed by clinic host organization and Pro Bono Volunteers (lawyers or non-lawyers).

1. **Obtain a copy of client's criminal record.** Client receives Live Scan services at clinic to obtain California Record of Arrests and Prosecutions ("RAP sheet").
 - A trusted Live Scan provider attends the clinic. ID is generally required for clients.
 - Clinic staff completes DOJ Fee Waiver paperwork online for clients and prints at clinic. Clinic host organization is listed as a "designee" on the record request in order to receive a copy of the RAP sheet. RAP sheets arrive between 1-4 weeks to client and to designee.
 - For clients with convictions outside of CA will need to obtain FBI background check. It is helpful to pre-screen clients for out-of-state convictions before the intake clinic.
2. **Perform a screening interview.** Client meets with a Pro Bono Volunteer to complete an in-depth interview and Screening Questionnaire.
3. **Provide KYR information for non-citizens with criminal history.** Client is provided with information about risks of travel or interacting with immigration officials before having record screened.

Legal Analysis

Organization staff and/or expert consultants prepare client analysis 1-5 weeks after Intake Clinic. Client is not involved in this step. Each case is analyzed for potential immigration and post-conviction relief.

1. **Complete RAP Sheet Worksheet.** Identify convictions on RAP sheet and fill out relevant case information on worksheet to help identify relevant information and clean slate remedies available. Pro Bono Volunteers could do this step with support.
 - Look out for items that are "convictions" for immigration purposes only (e.g. DEJ)
 - Supplement with information from screening questionnaire "criminal history" section
 - Work with clean slate/Public Defender partner to identify clean slate remedies avail.
2. **Create Client Chronology.** Gather information from screening and RAP sheet worksheet and compile in client chronology. This chronology is useful, particularly in more complex cases, for legal analysis and to compile post-conviction motions. Pro Bono Volunteers could do this step.
3. **Create Client Plan.** Use the chronology/worksheet to analyze each client's situation and create an individualized services plan. It can be helpful to consult with a crim/imm expert at this step if the clinic host organization does not have internal expertise. A Case Cover Sheet can be used to record an individualized client plan.

Resolution Options

These services can be provided at a follow-up Legal Services Clinic, through individual appointments, placement with Pro Bono Volunteers, or phone consultations.

1. **Legal Services Clinic/Appointment**

When legal analysis identifies a criminal history that impacts immigration status or bars immigration relief for which client may otherwise qualify, client may attend a follow-up Legal Services Clinic or appointment for additional services. Services provided include:

- Clean slate appointments for clients eligible for expungement or reduction, assigned Pro Bono Attorneys who take the cases through hearing and resolution (6-16 weeks, approx. 20 hours). A large portion of this work could be done remotely by Pro Bono Attorneys.
- Consultation with an attorney to discuss the immigration impact of the client's record, post-conviction relief ("PCR") options for potentially eligible convictions, know your rights information, or future possibilities where PCR not currently available
- Sign Release of Information if the client may be eligible for a post-conviction relief motion and the case may be referred or placed with a Pro Bono Attorney.

OR

2. **Warm Referral for Immigration Services**

When legal analysis identifies eligibility for immigration relief or a change of status not barred by criminal history, clients are provided a warm referral to appropriate immigration service providers.

- Obtain client permission to share case file with referral organization

OR

3. **Motion to Vacate.** Clients with eligible convictions are referred or placed with Pro Bono Attorneys for full scope motions to vacate. Options for referral or case placement depends on case and county of conviction.

- Clinic host organization gathers court documents from prior plea and information about county of conviction to identify specific grounds for post-conviction relief and case strength.
- For cases placed, clinic host organization and expert consultant mentor and supervise full-scope motion to vacate cases with pro bono counsel.
- Cases can last 6-12 months and take 30-60 hours of work.

Referral

Clients with successful post-conviction relief motions will be referred to an immigration services provider with experience in providing immigration services for a client with a criminal history.