



REMOTE IMMIGRATION LEGAL SERVICES – HERE TO STAY?

By Abraham Bedoy, Peggy Gleason & Sharon Hing

I. Introduction

While the immigration field has long explored how to provide legal services to underserved communities, determining how to deliver high quality services remotely became a universal concern during the COVID-19 pandemic. Now, as organizations gradually return to in-person services, some are exploring how to integrate remote practices into this changed landscape. In this advisory, we review the ongoing impact of the pandemic on immigrant communities, U.S. Citizenship and Immigration Services (USCIS), and immigration legal service agencies. We also provide lessons learned from agencies across the country that are continuing to think expansively about how to incorporate remote services to meet clients' needs.

II. Pandemic Impacts on Immigrant Communities

As communities are emerging from the worst of the pandemic, and immigration organizations are considering returning to partial in-person services, the impact of the pandemic on immigrant communities has been widespread. COVID-19 has also heightened xenophobic racism, particularly against Asian American communities who have faced violence and economic devastation. Although states have had different experiences with the virus and have implemented varying policies to slow the spread of infections, across the country, immigrants experienced deeper drops in employment than U.S.-born workers.¹ The economic devastation of the pandemic has been carried most significantly by women who are not citizens. Over twenty percent of noncitizen working women lost their jobs.²

Unfortunately, there has been sparse help from the government to support these communities we serve. Congress has failed to provide meaningful support to millions of immigrants suffering from the impact of the pandemic. Many immigrants and their families, including millions of lawfully present noncitizens, have been left out of federal aid packages.³

For those in immigration detention, the impact has been severe. Based on data collected from April to August 2020, the coronavirus rate among immigrants in U.S. Immigration and Customs Enforcement (ICE) detention centers nationwide was much higher than the rate of the general U.S. population. To date,

almost 20,000 individuals in ICE custody have been infected and at least nine have lost their lives to the virus.⁴ These outbreaks not only threaten those held inside and those who work there, but they also overwhelm the medical resources of surrounding communities.⁵

It is within this context that we recognize that while communities have started to reopen after the worst of the pandemic, the effect of the pandemic on immigrant communities will be long-lasting. The differences in access to resources, economic support, and technology, have only been exacerbated by the pandemic. It is important to keep this in mind when determining how best to meet clients' needs as organizations move forward.

III. Pandemic Impacts at USCIS

In March 2020, the pandemic disrupted USCIS public services. USCIS public offices were closed entirely at first and later gradually reopened at limited public capacity with social distancing and COVID-19 safety practices in effect.⁶ Some necessary services for application completion such as biometrics appointments were not back to full capacity even by June 2021.⁷

During the closure, USCIS suspended all in-person services, including all scheduled adjustment, naturalization, affirmative asylum, and other interviews, InfoPass appointments, biometrics appointments at Application Support Centers (ASCs), and all naturalization oath ceremonies, from March 18, 2020 through June 3, 2020. After field offices started reopening on June 4, 2020, ASCs started limited reopening in July 2020. Each USCIS office had its own, individualized reopening plan and much depended on local conditions and staffing. To date, cautionary measures remain in effect including limited appointment numbers, limited biometrics appointments at ASCs, and preventing people from waiting in public spaces longer than fifteen minutes before appointments.⁸

IV. Pivot to Remote Immigration Legal Services and Legal Outreach

While the pandemic effects are lessening, the adaptations that government services and service providers made will have a long-term effect. Many government offices are extending long-term or permanent telework policies for some of their employees.⁹

Some immigration legal services providers adapted well to remote services and will continue to provide some services this way even post-pandemic. A December 2020 survey of immigration programs serving domestic violence survivors found that the majority continued to perform intake, interviews, and legal services throughout the pandemic, but shifted to phone and video conferencing platforms to do so.¹⁰

Many offices developed special protocols for clients to bring in requested documents and forms, adapted to doing phone and Zoom interviews with clients, and limited capacity of in-person attendance at their offices based on pandemic safety procedures.

Immigration legal services providers adapted so that service delivery continued despite the pandemic. Pre-pandemic, many programs provided new case intakes in person on a first-come, first-served basis. Intake was often scheduled on particular days of the week where people arrived without appointments and were interviewed by legal staff. This process shifted in the pandemic to initial phone contacts and screenings by a specialized employee who did the first evaluation and then scheduled follow-up appointments by video conference or phone appointments for legal staff.

Staff often adapted to a part-time schedule in-person to keep a lower capacity in the office space and offered clients who needed an in-person meeting certain days and times when that was possible. Service providers report that most clients were comfortable using video conference meeting technology (often Zoom) over their phones and were able to make the adaptation when needed. Sometimes calls were scheduled with an interpreter as well as with the legal worker and the client. The fact that many clients did not have to take extra time off work or suffer the expense of transportation needed to meet a legal worker in a downtown office was often an advantage for some clients.

Maintaining communication with clients throughout the period of representation was sometimes accomplished by scheduling brief phone check-ins. It was found that service providers needed to initially check with clients about their technological abilities to choose the best method of communication. Service providers report using text messaging, and applications such as WhatsApp to perform check-ins with some clients.¹¹

When in-person visits to offices were not possible or were limited, service providers were able to assist clients in document-gathering by sharing information on how to obtain needed documents by mail. When clients needed to share a document with their representative, this could sometimes be done by scan or photo if the quality of the scan or photo was sufficient. Other times, arrangements had to be made to deliver the documents in a drop-box for the office, or by regular postal mail.

Some service providers report using regular mail often for initial retainer agreements as well as for instructions to clients regarding documents needed to complete and sign an application or to prepare for an interview. The mailing could be coupled with a brief phone check-in or text to ensure the client knew what to expect and to keep the communication clear.

For the limited in-person visits, legal services offices adapted by adding plexiglass screens, requiring masks, and developing a front desk protocol where clients needed to answer a series of COVID questions and do a temperature screening before entering the building.

Clients who wished to come in to deliver signed applications or documents, but who did not have an appointment, were often instructed to use the office drop box, and to text or call the representative to verify receipt. Offices with outdoor spaces or courtyards often adapted by arranging to meet clients outdoors to sign applications or discuss case developments.

Pivot from Live to Virtual Group Workshops During the Pandemic

Programs that assist naturalization applicants have traditionally held large one-day events to assist people in preparation of their N-400 naturalization applications. These group workshops were sometimes used for other types of applications, such as Temporary Protected Status (TPS) and Deferred Action for Childhood Arrivals (DACA), as well. During the pandemic, programs had to adapt these workshops to a virtual model. While many processes had to be refined, and representatives as well as volunteers had to be re-trained, some programs have found that they could serve greater numbers of people more efficiently in virtual workshops than they could in a one-day live workshop event.

Live workshops typically were organized as a one-day community event. To preserve quality of assistance, generally these workshops handled simpler cases and would refer legally complicated cases to individual representation. Legal workers, program staff, and trained volunteers assisted applicants to complete a USCIS application in a part or whole-day event that consisted of different stations where the steps to completing the application were broken down. The in-person workshops required large spaces, such as school or church auditoriums.

The virtual workshops for remote legal services also have specialized steps that recruit, register and screen the applicant, gather the basic information and documentation needed, and perform a quality review after the application is completed. The advantage of the virtual workshop is that it does not require a large meeting space, which can be difficult to find or expensive to rent. The virtual event also can connect with clients and volunteers who are anywhere in the country, thus creating a bigger pool of trained volunteers that the organizers can rely on. A virtual workshop also allows application completion in smaller two-hour sessions with an applicant and legal worker because several preparatory sessions have already been held to screen and orient the applicant and volunteers. In the in-person workshop model, volunteers have to commit to an entire day of working on the applications, and they have to travel to the physical location of the event, as do the applicants seeking services.

V. Case Study in Remote Services – Miami, Florida

Catholic Legal Services (CLS) in Miami adapted quickly to remote workshops on video conference by Zoom, partnering with other non-profits to manage and refine large-scale events that could serve hundreds of clients. Attorney Vanessa Joseph at Catholic Legal Services in Miami pivoted to remote legal workshops for both naturalization and TPS services. The virtual workshops have been able to serve up to 450 people in one workshop. Especially high numbers of people were served in September 2020 when the later-enjoined fee rule was threatening to drastically increase immigration filing fees. Serving large numbers of people was essential at that time, as it has been with the establishment of TPS for Venezuelans.¹² TPS for Venezuelans has a limited term application period and applicants must submit applications by September 5, 2021.¹³

The registration process for virtual workshops varies by legal services provider, but generally consists of a period of advertisement of the workshop, followed by a registration process online or by calling a hotline.

When registering for a CLS virtual workshop, applicants are asked to pick a date and a time for their later virtual application session. There is careful screening as well as information and document-gathering that takes place well in advance of the CLS Zoom workshop. The applicant receives an electronic confirmation that reminds them of the date and time of the event, as well as the next steps needed.

CLS uses volunteers that stay with the applicant throughout the process, called “TPS buddies” or “DACA buddies” or “naturalization ambassadors” depending on the type of application prepared at the Zoom workshop. The registration information goes onto a worksheet that is shared with the volunteer who will have the responsibility to orient the applicant and prepare them for the workshop. This volunteer guides them through how to use Zoom, how to get the links for the day of the event, as well as how to gather needed documents and be ready to complete the application on the day of the virtual workshop. The volunteer informs legal staff in a central online document if there are any areas of concern that quality control will need to focus on at the end.

Red flag screening is an essential part of all representation, and in the virtual workshop CLS performs this by electronic screening if the applicant has email, or a volunteer will call the applicant and do the screening questions over the phone. Registration continues over several weeks.

CLS also appoints a legal captain for the virtual workshop who sends out a tip sheet and training information with links to all the needed information on supporting documentation and eligibility requirements. The legal captain creates a WhatsApp group for the volunteers and is responsible for answering volunteer questions during the event. When the breakout rooms form around each applicant, the volunteers can use WhatsApp to communicate with the legal captain and say, for example, “I am in Room 7 and need technical assistance, or legal review,” and a legal captain will get back to them right away. The actual preparer with applicants is usually an attorney, but if it is a trained volunteer non-attorney, legal captains will have the function of legal review of the application.

The four coordinators managing the overall organization of the workshop all talk to the legal captains and legal volunteers prior to the event in training sessions, describing the process in great detail.

Applicants are oriented with a pre-recorded video that describes how the Zoom workshop will work and the steps that the applicant will go through on the day of the event. The volunteer buddy also helps to orient the applicant prior to the workshop.

On the day of the event, the volunteer working with the applicant at CLS will receive pre-signed forms. They work with the applicant to complete the pertinent application during the virtual event and complete an exit form on Google Forms at the end of their session. The completed application will be reviewed by an attorney. All of the information gathered is centralized on a Google Form that has been prepared in advance.

Part of the volunteer’s work is to email the applicant and coordinate when finished, giving instructions for what happens next in a packet that the applicant receives. The volunteer will follow up with the applicant about how to print out and mail the application.

Attorney Joseph has found that one of the advantages to these virtual workshops is that the program is able to serve more applicants, and to do so with less volunteer drop off. The advantage of a virtual workshop is that the main tools needed are a stable internet and a Zoom Pro account. Large spaces such as auditoriums do not need to be reserved or rented, and volunteers can serve in two-hour time slots from anywhere in the country instead of having to travel to a physical location and remain there for a day-long in-person workshop.

Joseph has found that with proper orientation, most applicants can work with the technology needed. More often volunteers have challenges learning to use the technology, so repeat volunteers are valued. Tip sheets are prepared to explain all possible technical problem areas and how to handle them. CLS has found the virtual workshop to be so efficient that it is planning to continue remote workshops post-pandemic.

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VI. Challenges in Remote Services – The San Joaquin Valley, California

Not all organizations or communities found remote services a seamless process. The transition to providing and receiving remote services was not an easy task for many partners and community members. Partners across the county attest that providing services remotely continues to be a challenge and further demonstrates the lack of access our immigrant communities can face. The transition to providing and receiving remote services was not an easy task for many partners and community members. For many immigrant families in California's San Joaquin Valley, also known as the Central Valley, the COVID-19 pandemic only exacerbated systemic issues they face on a continual basis.

There is a clear "digital divide" amongst certain regions across the San Joaquin Valley that parallels other areas of the country. Often forgotten due to greater focus on California's metropolitan areas like the San Francisco Bay Area and Los Angeles, the San Joaquin Valley is an agricultural region spanning three hundred miles through the heart of California. With some of the nation's highest poverty rates, lowest access to resources and lowest access to education, many communities are steps behind in the digital evolution and the transition to virtual interactions.

It is not uncommon to see immigrant families in some regions of the Central Valley without stable home internet or any internet access at all. In rural areas, internet providers simply decline or cannot provide services in certain regions because they do not have the proper infrastructure to do so. Too often, these are the same families who do not have, or have limited access, to computers, tablets or smart phones. This further isolates many immigrants from receiving trusted legal services remotely.

For many immigrant families, language access continues to be an issue that worsened during the pandemic. Most immigrants that are assisted by legal service providers are non-English speakers. These families have found the digital world most difficult to navigate because not everything is in their preferred language and translation services are not as easily accessible as before.

Apart from overall access to technology and resources, legal services providers tend to work with clients who are older; older clients generally do not have the training or knowledge to work in a digital space. Prior to the COVID-19 pandemic, providers in the San Joaquin Valley would set up mobile law offices in trusted areas of the community such as school libraries, church dining halls, and community centers, and would connect with people in-person to provide needed services. During the pandemic, this model transitioned to a remote setting and caused a decline in demand for certain services. For example, naturalization is an area where providers generally work with older, non-English speaking, and low-income clients, the same clients most affected by the digital divide. The demand for naturalization services declined during the pandemic likely because of these systemic challenges.

Advocates across the San Joaquin Valley have also noticed a drastic increase in complex immigration cases across the region. After performing intakes with potential clients, many of them require follow-ups where background checks, court records, or police records are needed. After being informed that certain documents are required to assess their immigration cases, community members may find it difficult to obtain these records because the pandemic has shut down physical offices, and they now need to request records online or over the phone. These closures have also slowed down the process of receiving records with longer than usual wait times, sometimes changing from a process of a few days to one that takes months.

With all these obstacles, legal service providers in the San Joaquin Valley have responded skillfully understanding that there is not a “one size fits all” strategy to providing quality legal services remotely. Providers know that they must meet their communities where they are both metaphorically and literally by incorporating methods that may reach the maximum amount of people.

Understanding that traditional forms of communication may be difficult for some to access, outreach is often happening through social media platforms such as Facebook, Instagram, and Twitter. For example, some partners host virtual immigration forums over Facebook Live where trusted legal service providers can connect with community members and give updates on immigration law while also advertising their immigration community event. Partners note that Facebook is the platform that most older applicants engage with.

When trying to host either individual consultations or virtual group workshops, many partners connect with potential clients over the phone first and assess how comfortable the client feels using technology. If the community member feels comfortable engaging virtually, partners then use video sharing tools like Zoom or Microsoft Teams. If the client prefers a simpler method, intakes and services are completed over the phone.

Lastly, partners affirm that partnerships and collaborations with important stakeholders are key in trying to overcome the systemic barriers mentioned above. Working directly with ethnic media, schools, churches and community centers, information-sharing and outreach to the hardest to reach populations is more successful because community members trust these organizations.

VII. Looking Ahead

As more of communities receive vaccinations, a return to a traditional form of providing in-person legal services is possible. As the examples above attest, immigrant-serving organizations across the country experienced mixed results when relying on remote services. While some partners across the country report that working remotely made it more difficult to reach their clients, there are some best practices and lessons learned that organizations may consider incorporating in the long-term.

1. **Hybrid events:** Although legal service providers and community members are excited to connect in-person, there may be multiple limitations for either advocates or community members that must be overcome to make hosting hybrid events a key to success. Advocates can consider hosting application completion workshops in strategic regions of their communities in-person, but attorney/accredited representative support can be done virtually. With a remote service model, whether it be final review of an application, providing individual consultations, or consulting on complex cases, robust legal support can jump-in at any time if there is internet connection and a computer. In-person legal workers can dial in remote legal reviewers who are available to review applications during designated periods. This can be especially helpful in regions where there is a shortage of trusted legal service providers.
2. **Cross-regional collaborations:** Throughout the pandemic, cross-regional virtual collaboration took place when legal service providers connected with other partners across different regions to share their best practices and expertise. This was key to ensure communities received the best legal support. For example, in California’s San Joaquin Valley, it was common to see outreach groups work with community members in rural areas to assist with their application completion, but the final review was done virtually by a partner in a completely different region. Partners indicate that cross-regional collaboration allowed for more services to reach unincorporated areas of their regions. Building partnerships across regions can support legal service delivery over the long-term.
3. **Virtual outreach:** Virtual outreach via social media platforms and other digital spaces helped reach certain immigrant populations throughout the pandemic and can continue doing so moving forward. Many partners invested in bolstering their online social media presence, and they are now reaping the benefits of that investment with community members interacting with their organization online. Immigrant communities often hear about legal services offered via Facebook ads, Instagram posts, and Twitter threads, and partners should continue using these platforms to reach more people.
4. **Flexibility:** Integrating flexible work practices became a necessity during the pandemic, and likely will be a necessary of any service delivery model moving ahead to meet the needs of those who are most vulnerable. Building intentional flexibility into any plans can best serve clients and legal workers

alike. For some organizations, maintaining digital communication options for clients may be something clients continue to expect, while other organizations may find it too difficult to keep up with multiple platforms. Analyze different methods your clients and staff need to determine what may work best and build in options to test for set periods of time. Gathering insights through focus groups or surveys from clients about their experiences with remote services can help make sure that any new plans center their needs.

Similarly, maintaining remote work options may help make legal services more sustainable for staff who benefited from the flexibility of working from home. Attorneys who are disabled have shared that they have benefited from remote work arrangements, as it removes difficult commutes and normalizes requests to work from home.¹⁴ What is best for your workplace will likely include a mix of experimenting with various arrangements.

VIII. Conclusion

Immigration legal services programs have had to adapt to the needs of immigrant communities during the pandemic. While some programs serve a more urban population that is better connected to technology and adapts well to remote services, others serve rural, agricultural areas where people are not served well by an entirely remote model. As pandemic impacts lessen, some programs may continue to use remote services where they have found it to be more efficient, but others are likely to resume in-person legal services where that best meets the needs of their community. Giving your organization space and time to work out details, recognizing the need for flexibility, and communicating plans carefully will help make any long-term plans sustainable.

IX. Additional Resources

- [Citizenshipworks](#)
- [New Americans Campaign: Comprehensive Guide to Remote Citizenship Services](#)
- [New Americans Campaign: Lessons from Our Virtual World Part One](#)
- [Immigration Advocates Network: Remote Legal Support](#)
- [Miami New Americans Campaign Sample Virtual Citizenship Guide PowerPoint training slides](#)
- [OneJustice: Remote Clinic Toolkit](#)

End Notes

¹ Julia Gelatt, et. al., Migration Policy Institute, *Immigrants and Other U.S. Workers a Year Into the Pandemic*, at 19 (June 2021) https://www.migrationpolicy.org/sites/default/files/publications/covid19-recession-statesbrief_final.pdf.

² According to a study by the University of California Merced, Community and Labor Center, one in four non-citizen workers in California have lost jobs during the pandemic, or an estimated 688,000 workers. The researchers estimate that about forty-two percent of those are undocumented. See Edward Orozco Flores, Ana Padilla, *Persisting Joblessness Among Non-Citizens During Covid-19*, Community and Labor Center at the University of California Merced Policy Report (June 2020) https://ssha.ucmerced.edu/sites/ssha.ucmerced.edu/files/documents/persisting_joblessness.pdf.

³ See Julia Gelatt, et. al., Nearly 3 Million Citizens and Legal Immigrants Initially Excluded Under the CARES Act Are Covered Under the Dec. 2020 COVID-19 Stimulus, Migration Policy Institute, Jan. 2021, <https://www.migrationpolicy.org/news/cares-act-excluded-citizens-immigrants-now-covered>, explaining that mixed status families were excluded entirely by the March 2020 aid program, but were included in the December 2020 stimulus. Unauthorized immigrants were excluded in both aid packages.

⁴ U.S. Immigration and Customs Enforcement, *Guidance on COVID-19*, <https://www.ice.gov/coronavirus#detStat> (last visited July 12, 2021).

⁵ ICE has refused to dismantle its detention machine even as COVID-19 ravages its facilities. In South Florida, it fought the release by the courts of individuals who are medically vulnerable. A federal judge in Miami called ICE's failures to protect detainees from the pandemic "cruel and unusual punishment." Also, ICE has exacerbated the spread of the virus by continuing to deport individuals, putting those individuals' lives and those countries at a heightened risk. See Monique Madan, *Federal judge orders ICE to release detainees from South Florida detention centers*, Miami Herald, May 1, 2020, <https://www.miamiherald.com/news/local/immigration/article242399751.html>.

⁶ Immigrant Legal Resource Center, *Alert: Temporary Changes to USCIS In Response to COVID-19* (May 27, 2021) https://www.ilrc.org/sites/default/files/resources/uscis_covid_updates_may_27_2021.pdf.

⁷ Felicia Escobar Carrillo, Chief of Staff, U.S. Citizenship and Immigration Serv., Office of the Dir., Remarks at the American Immigration Lawyers Association Annual Conference 2021 (June 17, 2021).

⁸ U.S. Immigration and Citizenship Serv., *USCIS Response to COVID-19* (May 27, 2021) <https://www.uscis.gov/about-us/uscis-response-to-covid-19>.

⁹ Jacqueline Alemany, Washington Post, *Power Up: Working-From-Home Could be Permanent for Many Federal Employees Under Biden*, May 24, 2021, <https://www.washingtonpost.com/politics/2021/05/24/power-up-working-from-home-could-be-permanent-many-federal-employees-under-biden/>.

¹⁰ Immigrant Legal Resource Center, *Guidance and Reflections on Providing Remote Legal Services to Immigrant Survivors of Domestic Violence* (Dec. 2020) <https://www.ilrc.org/guidance-and-reflections-providing-remote-legal-services-immigrant-survivors-domestic-violence>.

¹¹ *Id.*

¹² TPS for Venezuelans began in March 2021, and legal services providers in Florida were faced with trying to provide legal services to hundreds of thousands of Venezuelans who live in Florida. For more on the Venezuelan population in the U.S., see Sonia Osorio, The Miami Herald, Sept. 9, 2019, *Venezuelan Population in U.S. Has Seen Explosive Growth Since 2000*, <https://www.miamiherald.com/news/nation-world/world/americas/venezuela/article235250772.html>.

¹³ Dep't of Homeland Sec., USCIS, *Designation of Venezuela for Temporary Protected Status and Implementation of Employment Authorization for Venezuelans Covered by Deferred Enforced Departure*, 86 Fed. Reg. 135574 (Mar. 9, 2021).

¹⁴ Victoria Hudgins, *For Disabled Attorneys, Remote Work Brought Much-Needed Flexibility Will It Last?*, Law.com, June 1, 2021, <https://www.law.com/legaltechnews/2021/06/01/for-disabled-attorneys-remote-work-brought-much-needed-flexibility-will-it-last/?slreturn=20210612161431>.



San Francisco

1458 Howard Street
San Francisco, CA 94103
t: 415.255.9499
f: 415.255.9792

ilrc@ilrc.org www.ilrc.org

Washington D.C.

1015 15th Street, NW
Suite 600
Washington, DC 20005
t: 202.777.8999
f: 202.293.2849

Austin

6633 East Hwy 290
Suite 102
Austin, TX 78723
t: 512.879.1616

San Antonio

500 6th Street
Suite 204
San Antonio, TX 78215
t: 210.760.7368

About the Immigrant Legal Resource Center

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