

# Legal Services Support Centers and Rebellious Advocacy: A Case Study of the Immigrant Legal Resource Center

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## INTRODUCTION

By the early 1990s, parents who obtained legal status under the Immigration Reform and Control Act of 1986 (“IRCA”)<sup>1</sup> organized press conferences, letter-writing, and petition drives targeting policy-makers who could address IRCA’s failure to provide legal status for their undocumented children who entered the country after 1988. Through intense community education, media work, and lobbying efforts, immigration officials promulgated a family fairness regulation that was eventually codified by Congress, thereby preventing the family separation that IRCA had failed to address. The immigrant parents group that led these efforts, El Komite de Padres Unidos, was formed with the assistance of a staff attorney from the Immigrant Legal Resource Center (“ILRC”), who then developed an organizing and leadership training program for the parents. Padres Unidos has gone on to engage in a series of other campaigns. For example, members gathered more than 35,000 signatures to convince Congress to extend another immigration provision that would enable

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1. Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359 (codified as amended in scattered sections of 8 U.S.C. and 42 U.S.C.).

prospective immigrants to complete their immigration paperwork in the United States, without having to depart the country in fear of being excluded upon return.

Beginning in 2001, undocumented high school students from the San Francisco Bay Area and Sonoma County instituted a campaign on the implementation of a recently-enacted California law, Assembly Bill No. 540 (“AB 540”).<sup>2</sup> The law enables undocumented students to avoid paying out-of-state tuition if they attend a California community college or a campus of the California State University system. The student campaign was part educational, to other students who might benefit, and part policy advocacy, to influence the Regents of the prestigious University of California system to adopt the same policy. Their letter-writing and testimonial campaign proved successful, and the Regents recognized that students who have graduated from California high schools should be able to pay in-state fees regardless of immigration status. The campaign organizers benefited by partnering with the ILRC to obtain advice and training on immigration law, lobbying guidance, and media strategy.

These civic engagement examples are the results of community lawyering or social change lawyering in which the staff of the ILRC has been engaged for almost thirty years. This client- and community-centered lawyering developed from the staff’s day-to-day experience with clients, families, and allies who demonstrated the talent, intelligence, and desire to engage in a collaborative approach to addressing the problems that they faced. Practicing in this collaborative or rebellious mode has become natural to the staff of the ILRC. The staff has come to realize that immigrant communities deserve our respect as trusted, competent partners.

Public interest lawyers and clinical law faculty are quite familiar with the strategies of rebellious or collaborative lawyering set forth forcefully by scholars such as Gerald López, Lucie White, and most recently, Ascanio Piomelli.<sup>3</sup> Some of the principles include educating

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2. CAL. EDUC. CODE § 68130.5. *See also* Online Petition, Action Alert: Take Action Before January 16, <http://www.chavez.ucla.edu/Ab540.htm> (last visited Sept. 3, 2008). On September 15, 2008, a California appellate court ruled that AB 540 is unconstitutional. *Martinez v. Regents of Univ. of Cal.*, 166 Cal. App. 4th 1121 (Cal. Ct. app. 2008). However, the case is on appeal to the Supreme Court of California.

3. *See, e.g.*, GERALD P. LÓPEZ, REBELLIOUS LAWYERING: ONE CHICANO’S VISION OF

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clients and communities to support resistance; opening ourselves to being educated by clients, communities, and allies; respecting and not subordinating our clients; collaborating with clients and allies; recognizing that collaborative advocacy can lead to extremely challenging battles; and understanding that the rebellious style involves integrating and navigating many worlds. These principles have been adopted by those aspiring to practice in a manner that not only seeks to make systemic changes on behalf of subordinated communities, but that also empowers clients themselves to seek social change on their own behalf.

The art of collaborative or rebellious lawyering generally is discussed, pondered, and understood in the context of direct services organizations or law offices, such as legal services offices, pro bono representation, law school clinical programs, or other law firms that may provide at least occasional services to low income or disadvantaged clients. However, the world of legal services to subordinated communities also includes support or backup centers that provide training, consultation, advice, and support to services providers at the frontlines, as well as educational outreach to low income communities. As this Article hopes to illustrate, the work of support and backup centers is quite conducive to practicing in the collaborative approach. And many of the practice examples described can, in fact, be incorporated into the day-to-day work of law school clinical programs and direct services law offices.

The work of one particular legal services support center, the ILRC, is of particular interest to me. The ILRC is the outgrowth of an immigration law clinic that I started in 1979, and the ILRC has endeavored to practice social change lawyering through a collaborative, rebellious style since its inception. Today, the ILRC's national and California education, advocacy, and empowerment initiatives are organized in the following overlapping areas: (1) civic participation (engaging immigrants in the democratic process); (2) policy and advocacy (advocacy and educational initiatives with elected officials, federal, state, and local agencies, the media, and

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PROGRESSIVE LAW PRACTICE (1992); Lucie E. White, *Collaborative Lawyering in the Field? On Mapping the Paths from Rhetoric to Practice*, 1 CLINICAL L. REV. 157 (1994); Ascanio Piomelli, *Appreciating Collaborative Lawyering*, 6 CLINICAL L. REV. 427 (2000).

allies on policies that impact immigrants including immigration, access to public services, and economic justice concerns); and (3) technical assistance (providing expertise on immigration law and policy to legal services attorneys, pro bono attorneys, and community based organizations). While distinct, the areas overlap in the sense that the policy and advocacy work is advanced through the civic participation of immigrants, and technical assistance is accompanied with a call to practitioners to practice in a collaborative manner that seeks to empower immigrants.

The purpose of this Article is to provide a description and analysis of the ILRC's work, with particular focus on its civic participation projects. While I provide a brief review of many ILRC programs, this Article more fully describes ILRC's work to build capacity among immigrants and refugees and the organizations that serve them to enhance the engagement and influence of newcomers in American civic life. That work includes work with immigrant service organizations to develop and implement grassroots campaigns to improve immigration laws, and the development and promotion of new models of service that transfer knowledge, skills and power to immigrants. By focusing on civic participation examples, the Article describes projects that exemplify the program's social change lawyering as it attempts to facilitate democratic participation by immigrants. In the process, methods are described in which ILRC staff attorneys go about doing this work in a rebellious, collaborative manner that simultaneously seeks to de-marginalize the individuals and groups with which they work. Thus, the aim of the Article is to provide an insight into how the organization has gone about doing its business in this area, in hopes of gleaning lessons and approaches that other legal services and law school clinical programs can find useful.

Part I provides a brief description of the ILRC. Part II explains the ILRC's philosophy and approaches to increasing organizations' capacities to develop immigrant voices. Part III describes much of the work the ILRC has done that seeks to fulfill its philosophy. Part IV discusses the context of the work of the ILRC and the transferability of its strategies to the clinical and legal services settings.

### I. A BRIEF DESCRIPTION OF THE IMMIGRANT LEGAL RESOURCE CENTER

The ILRC is the outgrowth of the immigration law clinic that I started at Golden Gate University School of Law. Prior to joining the law faculty in 1979, I was the immigration attorney at the Chinatown-North Beach office of the San Francisco Neighborhood Legal Assistance Foundation. Back then, few immigration attorneys represented indigent clients on a regular basis; because I could speak enough Cantonese and Spanish to get by, I had a caseload of clients (primarily deportation and family visa cases) from all parts of the San Francisco Bay Area, as well as many deportation clients from other parts of northern California. Rightly or wrongly, it did not take much for me to establish a reputation among community-based organizations and other legal services providers as an immigration “expert.” They regularly called upon me to provide support, advice, guidance, and consultation. The calls continued after I joined the faculty at Golden Gate. So when I started the law school immigration clinic, the students who enrolled not only represented clients, but they also assisted me in providing support to the service providers who called.

This early experience revealed that northern California community-based organizations serving immigrants and refugees lacked adequate information, resources, training, and staffing to grapple with the increasingly complex legal and social challenges faced by their clients. Within a few years, the immigration clinic became a nonprofit corporation<sup>4</sup> and qualified for California State Bar Legal Service Trust Fund monies as well as other foundational grants. The clinic adopted the name “Immigrant Legal Resource Center,” and I volunteered as the executive director until 2000. I remain an active member of the ILRC Board of Directors.

Today, the ILRC is a national resource center that provides trainings, materials and advocacy to advance immigrant rights. The program has six staff attorneys and usually two to four law student clerks. As a legal services support center, the ILRC provides training

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4. See 26 U.S.C. § 501 (2000).

on immigration law and procedure to legal services attorneys and paralegals, private attorneys who provide pro bono services to indigent clients, and staff from community-based organizations. However, the organization also provides community education and training programs to immigrant communities on immigrant rights, civic participation, and advocacy, as well as educational materials to policy-makers and other advocacy organizations.

The ILRC's areas of expertise are broad. In the area of immigration law and procedure, the ILRC has developed expertise in a range of topics including asylum, family-based immigration, naturalization and citizenship, immigration consequences of criminal convictions, removal proceedings and relief, the Nicaraguan Adjustment and Central American Relief Act,<sup>5</sup> inadmissibility and waivers of inadmissibility, immigration relief for abused immigrant women and children, and immigration consultant fraud. Its more innovative expertise includes grassroots capacity building, media outreach, and leadership development. Program services include telephone and email technical assistance, policy and legal analysis, trainings and seminars, manuals, litigation support (including representing clients, finding clients for class action cases, filing amicus briefs, serving as expert witnesses), and on-site technical assistance and case review.

Several of the ILRC's programs include the following:

*Advocating for Children.* Through a unique project, the ILRC helps abused and abandoned immigrant children in foster care to become lawful permanent residents. The ILRC consults with juvenile court judges, county workers, and children's advocates working on "special immigrant juvenile" petitions. The ILRC works regionally and nationally to promote humane treatment for all immigrant children.

*Combating Provider Fraud.* The ILRC works with immigration advocates and District Attorneys across California to prosecute scam artists who offer fraudulent immigration services. The ILRC also published a manual for District Attorneys on fraud against immigrants.<sup>6</sup>

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5. See *infra* note 8.

6. KATHERINE BRADY, IMMIGRATION CONSULTANT FRAUD: LAWS AND RESOURCES

*Defending Immigrants' Rights.* The ILRC is part of the national Defending Immigrants Project, whose purpose is to ensure that indigent noncitizens accused of crimes receive due process and adequate representation in their hearings. The ILRC has created free resources such as the Quick Reference Chart for determining immigration consequences of California, Arizona, and Oregon convictions, and provides materials, technical assistance and training to immigration and criminal law practitioners.

*Immigration Relief for Survivors of Domestic Violence and Other Crimes.* The ILRC offers training courses and technical support on Violence Against Women Act<sup>7</sup> relief for battered spouses and children. These services are available to legal service organizations throughout California that receive California State Bar Legal Service Trust Fund grants, and domestic violence and immigration advocates and agencies in California. The ILRC also conducts extensive outreach designed to educate battered immigrants about the availability of health- and immigration-related benefits. To this end, the ILRC works to establish local networks of domestic violence service providers including shelter workers, attorneys, health care workers, and law enforcement personnel.

*Liaison Meetings with CBOs and CIS.* Over the past several years the ILRC has been conducting liaison meetings between community-based organizations ("CBOs") and the Citizenship and Immigration Service ("CIS") offices in San Francisco, Sacramento, and Fresno. These meetings provide CBOs the opportunity to meet with the CIS and discuss the local CIS office's procedures and the office's interpretation of the immigration and naturalization laws and regulations. This forum provides an opportunity to discuss difficult cases and important policies, often enabling CBOs to improve local CIS policies and procedure. Prior to each meeting, the ILRC gathers input from CBOs and sets out an agenda for the meeting. The CIS representatives study the agenda and come prepared to react to the agenda items.

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(2000), <https://www.ilrc.org/resources/anti-fraud/District%20Attorney%20Manual.pdf>.

7. Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322, §§ 40001-703, 108 Stat. 1796, 1902-55 (codified as amended in scattered sections of 42 U.S.C. and 43 U.S.C.).

*NACARA and Asylum.* The November 1997 enactment of the Nicaraguan Adjustment and Central American Relief Act (“NACARA”) created significant hope for hundreds of thousands of Central American refugees stranded in the United States without legal residency after fleeing their war-torn countries in the 1980s.<sup>8</sup> The ILRC provides seminars, informational videos, phone, email, and fax consultation. An ILRC manual, *Winning NACARA Suspension Cases*, provides updates on policy and regulatory changes and sample pleadings to inform pro bono attorneys and legal service providers about this form of relief for Salvadorans and Guatemalans.<sup>9</sup>

*Preparing Immigrant Leaders.* The ILRC offers comprehensive training courses in immigrant leadership skills, such as a three-year collaborative effort in East Palo Alto, California, with the grassroots immigrant-based organization Centro Bilingue.<sup>10</sup> The courses offered, some of which were designed specifically for immigrant youth, successfully resulted in increased community and civic involvement. Course participants subsequently conducted more than one hundred community meetings for immigrants on topics including citizenship, the advantages of learning English, and the importance of knowing your rights.

*Promoting Citizenship and Civic Participation: National.* The ILRC is responding to the crisis created by 1996 anti-immigration welfare reform legislation that targeted elderly immigrants and those with disabilities. Technical assistance and training is provided to service providers on how to help their clients become U.S. citizens. Staff attorneys conduct onsite workshops around the country. A telephone hotline is maintained, and materials on the naturalization process are distributed.

*Promoting Citizenship and Civic Participation: California.* The ILRC provides technical assistance and information on the issues of naturalization, family unity, and the effects of recent laws to immigrant advocates and organizations throughout California. In the

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8. Nicaraguan Adjustment and Central American Relief Act, Pub. L. No. 105-100, §§ 201–04, 111 Stat. 2160, 2193–2201 (1997) (codified as amended in scattered sections of 8 U.S.C.). See Immigration Law Center, NACARA 203: Eligibility, available at [http://www.ailec.com/services/residency/nacara\\_eligibility.htm](http://www.ailec.com/services/residency/nacara_eligibility.htm).

9. IMMIGRANT LEGAL RES. CTR., WINNING NACARA SUSPENSION CASES (1998).

10. See discussion *infra* Part III.E.1.



state's Central Valley, the ILRC is a partner in a collaborative effort that encourages citizenship and access to English language instruction. These projects promote civic participation and leadership development among California's immigrants.

*Promoting Citizenship and Civic Participation: Community Meetings.* The ILRC provides numerous community meetings each year promoting citizenship and civic participation. The ILRC has developed related immigration information packets in Spanish and English. The ILRC supports other organizations who wish to replicate these efforts and has produced materials for interested communities. Those materials include a *Guide to Organizing an Immigration Community Meeting: A Step-by-Step Approach*, and a *Guide to Using ILRC's Immigration Packets*.<sup>11</sup>

*Training Nonprofit Service Providers.* The ILRC designed and coordinates an intensive national training program on basic immigration law and practice for nonprofit staff and paralegals who want to provide high quality legal services to low income immigrants. ILRC staff attorneys update the curriculum, and work with a national network of trainers to implement the forty-hour course in cities throughout the United States.

## II. THE PHILOSOPHY OF THE ILRC

*The ILRC works with immigrants and citizens to make critical legal assistance and social services accessible to all, regardless of income, and to build a society that values diversity and respects the dignity and rights of all people.*<sup>12</sup>

The ILRC's two primary goals for immigrants and refugees are clear from its mission statement: (1) to make services accessible to all and (2) to work toward a society that values diversity and the rights of all people. To achieve these goals, the ILRC has adopted an approach to its work centered around collaboration with immigrants

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11. Immigrant Legal Resource Center, *Guide to Using ILRC's Immigration Packets in Community Meetings*, <http://www.ilrc.org/packetguide.php> (last visited Sept. 7, 2008).

12. Immigrant Legal Resource Center, *About the ILRC*, <http://www.ilrc.org/about.php> (last visited Sept. 3, 2008).

themselves, as well as with other allies. In a real sense, the ILRC practices what it preaches by “valu[ing] diversity and respect[ing] the dignity” of immigrants in approaching its work with immigrants themselves through a variety of trainings, partnerships, engagements, and actions that promote both the enhancement of services and the rights of immigrants.<sup>13</sup> The variety of examples set forth in the description of the ILRC’s civic participation initiative<sup>14</sup> illustrates how this collaborative approach has furthered the ILRC’s goals.

ILRC staff members approach their work with strong beliefs and assumptions about noncitizens in the United States. For example, they believe that although immigrants and refugees bring valuable skills, work ethic, values, optimism, and perspectives to U.S. society, their contributions are frequently unappreciated. Similarly, the concerns and views of noncitizens, along with their challenges, often go unheeded.

The ILRC staff believes that immigrants have contributed mightily to U.S. society. These views have been developed and affirmed in countless hours of meetings with immigrants and refugees in private and public meetings over a period of almost three decades. Newcomers are filled with optimism and are willing to sacrifice and work hard to make a better life for their families. Their energy and optimism for life can be very beneficial to all Americans.

However, immigrants face serious obstacles to full participation in American civic institutions and political discourse. Immigrants are unable to vote in the United States until they have obtained U.S. citizenship.<sup>15</sup> The insecurity that many immigrants have about their economic situation or immigration status prevents them from making the commitment necessary to understand and participate in civic and political life. Many are unfamiliar with the U.S. political system and regard U.S. civic and political institutions as complex, mysterious, and subject to influence only by the wealthy and powerful. Others came from societies where political participation was discouraged.

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13. Immigrant Legal Resource Center, Director’s Message, <http://www.ilrc.org/dmessage.php> (last visited Sept. 3, 2008).

14. *See supra* Part III.

15. *See generally* Jamin B. Raskin, *Legal Aliens, Local Citizens: The Historical, Constitutional and Theoretical Meanings of Alien Suffrage*, 141 U. PA. L. REV. 1391 (1993).

And some consider themselves unskilled or incompetent to participate in social or political change.

In spite of these challenges, the ILRC knows that noncitizens can be effective politically. The ILRC understands that in the United States the needs, concerns, and ideas of those who are not powerful and well-connected are frequently ignored. However, these needs and concerns can get addressed if seemingly powerless people get involved, develop skills, and work together to make their concerns heard. The ILRC believes that immigrants will gain that greater role and stake in American society as they gain status and stability, understand the laws and policies that affect them, and improve the skills and confidence they need to make their situation understood and respected. When this happens, these individuals gain a greater stake in the success of their communities, and their communities benefit from the energy, hard work, and unique perspective of all of their members. In the end, we all benefit from this broader participation.

Equally important, the ILRC recognizes that CBOs that provide services to immigrants and refugees, such as resettlement assistance or immigration status counseling, are well situated to assist communities in developing a voice that can be heard. Because the ILRC provides services and trainings to scores of CBOs and other grassroots groups across the country, the ILRC, in turn, is well situated to advance democratic opportunities for immigrant and refugee communities. Immigrant service providers who assist newcomers in achieving stable immigration status are well situated to address the various barriers to immigrants' civic participation, because immigration status is one of the most important issues in the lives of many immigrants. This vital service relationship builds trust and understanding between those organizations and the client community they serve. Moreover, most immigrant service organizations are committed to improving the lives of immigrants, and can see the connection between helping immigrants gain a political voice and their quality of life. In return, building working relationships with community members as they become civically active contributes to the organization's understanding of and trust in the community it serves and builds the capacity of the organization to serve as an advocate with the community.

The ILRC's efforts to help both immigrants and the organizations that serve them overcome obstacles to full civic participation are based on lessons learned since 1979. During this period, much has been gleaned from teaching immigration law to immigrant service organizations, providing legal services to immigrants, and working with grassroots groups on legislative and administrative policy initiatives. Staff attorneys have learned that in addition to helping enhance immigrants' status and stability with quality legal assistance, immigrant service providers have a myriad of opportunities to help immigrants gain confidence and enhance the skills they need to make their ideas and concerns understood and respected by policy-makers. Experience also has taught the ILRC that by actively eliciting and heeding community members' concerns and ideas, immigrant rights advocates can better focus their own advocacy work.

ILRC staff attorneys also have learned that clients and community members gain both confidence and skills to manage in American society when they are treated as respected partners on their cases or community efforts. Through their work on individual cases and larger organizing efforts, staff attorneys have learned that many immigrants seize every available opportunity to learn about law and policies that affect them and their neighbors. Immigrant advocates can help individuals translate this thirst for knowledge into effective expressions of their ideas and concerns, and into initiatives for action against laws and policies that are detrimental to their community. Helping immigrants form committees to address issues of concern provides these communities with both powerful advocates and opportunities for engaging in civic action. Many immigrants are eager to enhance their leadership capacities by developing basic skills in civic participation, and then using those capacities to serve their communities.

The ILRC takes full advantage of the excellent relationship the organization shares with hundreds of immigrant service organizations across the country to proliferate its approach to lawyering and advocacy. Many of these service providers have been persuaded to incorporate ILRC work strategies to enhance the status, security, confidence and skills of their client communities. As a result, the ILRC has witnessed many incredible examples of civic engagement,

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leadership development, and policy impact generated in immigrant communities, thus reinforcing its collaborative philosophy.

### III. ILRC CIVIC PARTICIPATION INITIATIVE

At its core, the ILRC's civic participation initiative is about engaging immigrants in the democratic process. In order for policy-makers to be accountable and responsive to the needs and concerns of immigrant communities, the ILRC believes that immigrants must be part of the democratic process. The goal then is to educate and facilitate immigrant participation in civic life and ultimately assist immigrants in taking responsibility for participating in democracy.

Clearly, a major vision or goal of the ILRC is to seek social change by facilitating democratic participation (empowerment) of immigrants through a variety of methods. One key strategy of achieving the social change goal—and the focus of this Article—is by working to build capacity among immigrants and refugees and the organizations that serve them, to enhance their engagement in order to influence legal and enforcement policy. This includes developing and promoting immigrant voices. At the heart of the ILRC's mission is the goal of making systemic changes.<sup>16</sup> An important way of achieving this social change goal is the manner in which its staff attorneys do their work. That includes the many elements of rebellious, democratic lawyering attached to the literature of López, White, and Piomelli related to collaborating and thinking outside the box in working with clients.<sup>17</sup>

The basic strategies of the ILRC's work to enhance civic participation by immigrants and the organizations that serve them include grassroots advocacy, immigrant leadership development, incorporating individual and community empowerment into client representation, promoting immigrant voices and immigrant concerns into ethnic and mainstream media, and nurturing the capacity of CBOs. Every time staff attorneys work on direct legal cases, with

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16. Examples include its advocacy for immigration reform, work on the immigration consequences of criminal convictions with public defenders, educational efforts with those who work with victims of domestic violence, training of paralegals and attorneys who deliver legal services, and liaison efforts between CBOs and immigration officials.

17. *See supra* note 3.

immigrant-led committees, immigrant service groups, or CBO projects, the attorneys are open to new lessons and ideas, and adjustments can be made.

What follows is a detailed look at the ILRC's civic participation initiative comprised of several parts. The goal of each part is to get immigrant voices heard. Every program involves working collaboratively with immigrants on particular skills. In the grassroots advocacy campaigns, immigrants develop skills related to running meetings, letter-writing campaigns, forming local action committees, and conducting community education projects. The leadership development program involves an elaborate curriculum that includes public speaking, teaching, media work, and advocacy skills. The individual client advocacy program incorporates collaborative lawyering lessons to direct service providers, encouraging them to use a rebellious style of lawyering in their individual clients' representation. The media outreach and advocacy program focuses on the use of the media in promoting immigrant voices. And the capacity-building initiative seeks to provide assistance to grassroots immigrant organizations and committees to achieve sustainability and promote civic participation.

#### *A. ILRC Grassroots Advocacy Campaigns*

Through its long-term work with immigrants and immigrant service organizations, the ILRC has learned that many immigrants want to stay abreast of immigration law and policy and look for avenues to voice their opinions or concerns. The ILRC's grassroots advocacy work takes advantage of that interest to encourage immigrants and the organizations that serve them to actively advocate for change. Grassroots organizing and advocacy are particularly important today, given the prevalence of anti-immigrant sentiment.

The ILRC recognizes the vital role that immigrant service providers in the community can play in the development of grassroots efforts. These agencies have a special relationship with newcomers, and they are well positioned to help immigrants become more active. The ILRC partners with these organizations to work with immigrants in their quest for better immigration policies. The day-to-day collaboration focuses on advocacy projects and the development of

resource materials for advocacy work in which other CBOs and communities may be engaged. The results have been positive; grassroots immigrant advocates successfully have influenced immigration policy at the local and national levels, while developing organizing strength and capacity in their communities.<sup>18</sup>

The ILRC's manuals and resource materials on grassroots advocacy guide community groups through the steps necessary for an advocacy program that includes the participation of community residents. The materials commonly are used by attorneys, paralegals, English as Second Language ("ESL") and citizenship teachers, social workers, community leaders, and CBOs. The materials cover a range of topics, including leadership training, organizing tools, establishing relationships with federal immigration officials, general immigration law, the naturalization and citizenship process, political asylum, immigration options for survivors of domestic violence and children in foster care, and the immigration consequences of criminal convictions. The ILRC also provides phone consultations to organizations and individuals engaged in advocacy campaigns.

The ILRC's community grassroots advocacy campaign has several goals: to encourage immigrants to speak about what concerns them; to get local advocates or organizers to hear those concerns and to help develop strategies for addressing the concerns; to promote immigrant participation and leadership in these efforts; and to implement strategies. Although the specific objectives and target audiences may vary, each ILRC campaign addresses these community advocacy goals. Campaigns generally include the following components: a focus on local advocates, organizers or organizations; coordination with other related advocacy campaigns; community education campaigns; community meetings; presentation of issues and immigrants' stories to media; petition and letter-writing efforts; community support of individual cases; and formation of immigrant committees and networks.

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18. See discussion *infra* Part III.E.3.

### 1. Focusing on Local Advocates, Organizers or Organizations

The ILRC believes that CBOs should elicit the concerns of community residents, jointly determine what action should be taken, and develop community members' skills to engage in effective advocacy. These CBOs usually have earned the trust of immigrants by providing services. By offering these organizations community advocacy models,<sup>19</sup> resource materials,<sup>20</sup> and technical assistance, the hope is that they can become far more valuable partners in making community concerns and ideas understood and respected by decision-makers. In the process, the partnership strengthens both the local organizations and the communities served.<sup>21</sup>

The ILRC also successfully partners with groups whose primary mission is organizing. While the work for these groups may include providing services or policy advocacy, their *raison d'être* concerns the development of community members' capacity to make their own ideas and concerns heard and respected. In short, these organizations exist to help communities organize. They include faith-based organizing committees, such as the Industrial Areas Foundation affiliate Sacramento Valley Organizing Committee ("SVOC"), the Pacific Institute for Community Organization ("PICO") in Oakland, and People Acting in Community Together ("PACT") in San Jose. Professional organizers for these groups identify, develop and work with community leaders who recognize and share the community's concerns; these leaders must have the desire and ability to work on these concerns. During the late 1990s, many of these leaders in immigrant communities urged their faith-based organizations to organize and advocate for a legalization program. The ILRC and SVOC developed a partnership around those efforts. That model features ILRC and other attorneys providing free consultations to immigrants about their immigration challenges at the conclusion of and SVOC meeting. At the meeting, SVOC rallies participants to get

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19. See discussion *infra* Part III.C.4.

20. See discussion *infra* Part III.C.3.

21. See discussion *infra* Part III, which describes in depth the ILRC's work to build capacity of immigrant service organizations and immigrant-led committees to provide effective legal services and promote immigrant community empowerment.



involved in community efforts to influence immigration-related policy and in the organization itself.

Whether the entity with whom the ILRC partners is a community service provider or an organizing group, the campaign can be rooted either in an issue of importance to a particular neighborhood or to a broader issue that affects members of the local community. One example is the campaign to grant legal status for undocumented students desiring to attend college (the “DREAM Act”) that involves a national effort of local importance.<sup>22</sup> The ILRC believes that such campaigns benefit from local community groups helping to identify potential participants and resources.

## 2. Coordination with Other Related Advocacy Campaigns

While immigration enforcement policies and procedures often are controlled by the priority choices of local officials, federal immigration laws and major enforcement policies that affect communities are controlled by lawmakers and officials in Washington, D.C. That has important ramifications for the ILRC’s locally-focused, grassroots advocacy campaigns. Certainly, those efforts can be critical in addressing locally-controlled decisions by federal, state, and local officials, but the ILRC understands that influencing national decisions raises different dimensions.

Generally, the focus of community advocacy is local—eliciting immigrants’ ideas and concerns and encouraging development of advocacy skills in the context of making those concerns heard. Since many immigrant concerns are about policies made at a federal level, local campaigns must be fashioned to influence federal policy-makers. Obviously, immigrant rights advocates in Washington, D.C., play an important role in that regard. The ILRC believes that local community advocacy focused on national immigration policy can have far-reaching effects when it informs and develops in coordination with immigrant advocates in Washington, D.C. And in its rebellious, collaborative mode, the ILRC believes that national advocacy efforts should be guided by immigrants’ accounts of the effects of immigration policy on their lives and their communities.

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22. See discussion *infra* Part III.F.6.

In its work with immigrant communities and immigrant service organizations on local campaigns that highlight needed change in national immigration policy, the ILRC strives to tie those campaigns to national advocacy efforts. Over the years, ILRC staff members have developed a good reputation as authorities and advocates on a range of national immigration policy issues. Policy positions advocated by the ILRC to the offices of national policy-makers are informed by the strong relationships that the ILRC has with immigrants, immigrant leaders, and CBO staffs. Collaboration with these individuals and groups inform the ILRC's understanding of specific changes that may be needed. The ILRC also coordinates closely with national advocacy groups like the National Immigration Forum, the National Immigration Project of the National Lawyers' Guild, the National Council of La Raza, the Asian American Justice Center, the National Immigration Law Center, and the Immigrant Justice Network, as well as with members of Congress. When immigrants and the groups that serve them give ILRC staff attorneys ideas, priorities, compelling stories and information from the streets, that information is passed on to congressional staff or D.C. advocates who lobby for change. The ILRC also has promoted the direct participation of immigrants and immigrant leaders in the national policy debate by helping those individuals plan and implement press conferences and meetings with Congressional staff members locally and in D.C.

### 3. Community Education

The ILRC regularly provides community outreach and education programs on a wide range of topics. For example, staff attorneys often make presentations on benefits under the immigration laws—who qualifies, how to apply, what are the advantages, what are the risks. The ILRC also has developed manuals and materials to help immigrant service organizations teach immigrants in community education forums about the eligibility and the application processes for naturalization, Temporary Protected Status, Family Unity, and family-based immigrant visas.<sup>23</sup> The goal is to provide information to

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23. The ILRC's publications include DAN KESSELBRENNER, TEMPORARY PROTECTED

help demystify laws and procedure. The hope is that with more understanding and knowledge, the immigrants develop confidence in their own abilities and feel less powerless. At the very least, they learn what they may be up against.

The commitment to community education stems from the belief that power, influence, and democratic participation flows from having as much information as possible to make important decisions. Thus, the ILRC presentations do not simply cover the availability of benefits under the law, but also procedural requirements, services available, and self-help opportunities. The ILRC also serves immigrant communities by updating and analyzing immigration laws and policies, as well as pending legislative proposals.

In addition to community education about immigration law, the ILRC also prepares immigrant service groups to teach immigrants about important constitutional rights. In light of government enforcement actions—many directed at immigrants—since September 11, 2001,<sup>24</sup> lessons on constitutional rights are more important than ever for all residents. The ILRC has developed and promoted model “Know Your Rights” workshops for more than twenty years, conducting such workshops in East Palo Alto, San Francisco, and throughout the Central Valley.<sup>25</sup> Through presentations, skits, and demonstrations, the workshops cover the right to remain silent, the right to be free from unreasonable searches and seizures, the right to consult with a lawyer, and the right to advocate for change. Several ILRC manuals contain chapters that describe these rights and suggest ways to get residents together to learn about and practice asserting those rights.

The ILRC’s community education sessions require audience participation. The goal is provide information in a manner that that makes an impression, so that participants come away with

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STATUS FOR SALVADORANS AND THE ABC CASE (1991); IMMIGRANT LEGAL RES. CTR., NATURALIZATION & U.S. CITIZENSHIP: THE ESSENTIAL LEGAL GUIDE (10th ed. 2008); FAMILIES & IMMIGRATION: A PRACTICAL GUIDE (2005).

24. See BILL ONG HING, *DEPORTING OUR SOULS—VALUES, MORALITY, AND IMMIGRATION POLICY* (2006).

25. For a description of the ILRC’s work with *Mujeres Activas y Unidas* to develop and present “Know Your Rights” workshops in the San Francisco Bay Area, see *infra* Part III.E.2.

information that will be helpful in their day-to-day lives. Consider these examples:

To explain the concept and importance of the Immigration and Nationality Act (“INA”) § 245(i), a law that waived the requirement for many resident applicants to depart from the United States to complete their paperwork,<sup>26</sup> a figurative border is established across the front of the room. People from the audience are assigned roles: a wife who files a petition on her husband’s behalf, the undocumented husband who can immigrate based on that petition, a U.S. Citizenship and Immigration Services (“USCIS”) officer who can do the paperwork in the United States, a U.S. consular officer who can do the paperwork in Mexico, and a border guard. The trainer explains that with § 245(i) in effect, the husband can stay on the U.S. side of the border with his wife and complete his paperwork at the USCIS.<sup>27</sup> Without § 245(i), he will have to cross over the border to complete his paperwork in Mexico. If he tries to cross the border back into the United States, the border guard will stop him and make him remain in Mexico for ten years (because of the bars on reentry for people who have lived in the United States without legal immigration status).

To illustrate the importance of the right to remain silent, a person from the audience is brought to the front of the room and told that his role will be that of a person without proper immigration documents. A trainer playing the role of U.S. Immigration and Customs Enforcement (“ICE”) officer approaches him. The officer inquires where the person is from and asks for his papers. The person says he has no papers. The officer takes him into custody for deportation. Then the trainer explains to the group that the right to remain silent means no one has to answer these questions. The same volunteer is brought to the front of the room, asked about legal papers and where he was born, and says “I do not have to answer your questions.” The officer shrugs his shoulders because he is unable to have the volunteer deported. Of course, the audience is informed that the ICE

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26. Immigration and Nationality Act § 245(i), 8 U.S.C. § 1255(i) (2000).

27. The United States Citizenship and Immigration Services (“USCIS”) is the division of the Department of Homeland Security that handles immigrant visa and citizenship applications. See USCIS, About Us, <http://www.uscis.gov/aboutus> (last visited Sept. 11, 2008).

officer might cross the line at that point and act improperly by arresting or detaining the person without proper cause.

To show the impact of naturalization on family unification in a presentation about family-based immigration, a participant from the audience is brought to the front of the room to represent a lawful permanent resident who can file petitions for some of his relatives. Those relatives, represented by three fellow audience members as his “wife” and his “unmarried children under twenty-one,” are able to join him in his legal status. Then he completes the citizenship process and a much bigger group forms at the front—audience members representing his married and unmarried children over twenty-one, his parents, and his brother and sisters.

The ILRC has learned in hundreds of community education events that immigrant audiences at community education events respond positively to this participatory, entertaining approach to learning in a positive manner. They relax and freely ask questions. They understand and remember complex information; they discuss the information openly with other participants.

Many individuals in community education audiences learn that little can be done to change their status or qualify for a particular benefit. Although they may be disappointed, the ILRC encourages those individuals to get involved with possible reform. They are provided with information on how their concerns and ideas can be conveyed to policy-makers. Often these occasions serve as a catalyst for developing commitment and civic participation skills. Thus, outreach and community education are essential parts of the ILRC’s community advocacy work as well.

#### 4. Community Meetings

The goal of community meetings is to link issues in the community with advocacy. In the meetings, immigrants and their supporters are presented with information about laws and policies that affect them and their communities. The immigrants’ concerns and their ideas for involvement in advocacy are elicited, and the ILRC works with the group to shape and focus the messages the community wants to communicate on particular issues. These early steps lay the groundwork for the community’s ability to develop and

implement strategies to respond to issues of concern. Thousands of letters and petition signatures also have been gathered to address various issues identified at such community meetings.

In using community meetings as the impetus for advocacy, often with partner organizations, the ILRC has attracted thousands of participants. The effort is particularly effective when an immigrant service organization and the ILRC partner with a CBO that provides non-immigration services and can attract many new immigrant constituents. The family unification campaign ILRC conducted in partnership with SVOC was initiated in response to feedback from these types of community meetings in rural communities of California's central valley.<sup>28</sup> Meetings with local ICE and USCIS offices to address community concerns were initiated through this effort.

To attract interest in these events, the ILRC presentations feature updates and explanations of relevant immigration laws and current enforcement issues, as well as the opportunity for a free consultation with an immigration attorney. Private and nonprofit immigration lawyers and paralegals are recruited to participate in these meetings, and the ILRC has created a one-page screening sheet to help the volunteers provide quick and accurate consultations at community meetings. This instrument, which makes it efficient for legal workers to provide many consultations, has been provided to other organizations who sponsor their own community meetings.

Community meetings have enabled the ILRC and other advocates to learn what issues are important to the communities they serve and how the communities believe matters should be addressed. The meetings provide opportunities for immigrants to convey their concerns and ideas in a meaningful, respectful setting attended by neighbors, supporters, and advocates. An atmosphere that is open to conversation and brainstorming can be very energizing. The exchange of ideas also can identify many levels and types of involvement, making participation accessible and meaningful. The meetings bring together hundreds of people who might not otherwise be exposed to such information and ideas. The open, respectful

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28. See discussion *infra* Part III.E.4.

environment facilitates the development of a working relationship between the community and organizations that participate. The meetings often represent a first step in building immigrant-based neighborhood committees to address the community's concerns.<sup>29</sup>

The ILRC has learned that serious thought must be given to how to plan and conduct effective follow-up meetings. Key roles for community members and leaders must be identified and defined. Training in key skills needed for a campaign must be considered, including such things as writing a press release and planning and presenting a press conference, public speaking and organizing, holding a community meeting, and negotiating. Issues must be clarified as the campaign is planned, and a future meeting schedule must be developed.

Some examples of community meetings the ILRC has worked on include:

The ILRC held several meetings with partners in the Central Valley Project to provide information to the immigrant community about filing visa petitions by April 30, 2001, to benefit from the

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29. The ILRC has found that the basic elements of an effective community meeting include: (1) Finding effective ways to encourage community members to attend, including: arranging and advertising free consultations with immigration attorneys and paralegals; working to plan, publicize, host and conduct the meeting with potential community partners such as supportive CBOs, churches, and other community leaders; providing outreach with compelling messages in places and media outlets that reach immigrants; and conducting meetings that provide information about current, high-impact immigration provisions, particularly about uniting families or enforcement efforts; (2) Reporting good news that resulted from a community advocacy effort; (3) Informing immigrants about their rights; (4) Publicizing an issue, law, or policy that is important to the community, like a new immigration law, regulation, or procedure that benefits or burdens some community members; (5) Encouraging community members to talk about how a law or policy affects them, their families, and/or their community; (6) Determining with community members whether an issue, law, or policy is important to the community, including whether to publicize a new immigration benefit or whether a policy needs to be changed to benefit the community; (7) Eliciting ideas about how to bring about a change in a law or policy; (8) Emphasizing the importance of immigrants' role in the process of change; (9) Building support for a campaign to publicize or advocate change in a law or policy; (10) Determining with community members a range of concrete activities that participants can engage in to further the goals decided at the meeting, including letter writing, gathering petition signatures, making phone calls to decision-makers, and participating in press conferences or delegations, and then inspiring community members to participate in these concrete activities; (11) Encouraging organizers and leaders in the community to help with a campaign; (12) Enlisting a group of community members who will help get a campaign started, including planning a follow up meeting; and (13) Laying the groundwork to start an immigrant committee to address issues that affect the community.

extension of INA § 245(i), that permitted beneficiaries of visa petitions to complete their immigration paperwork in the United States, thereby avoiding departure from the United States and triggering multi-year bars to reentry.<sup>30</sup> These meetings played a pivotal role in educating and organizing the immigrant community around convincing Congress to extend § 245(i).

The ILRC held a meeting co-sponsored by Proyecto Campesino, a farm labor project of the American Friends Services Committee, in Visalia, California. ILRC attorneys gave an overview of immigration laws and provided individual consultations for attendees. Meanwhile, the meeting provided Proyecto Campesino and the Tulare County Civic Action League with an opportunity to talk to the community about their civic participation efforts and to publicize Proyecto Campesino's immigration services.

At the invitation of Fresno Leadership Foundation ("FLF"), the ILRC attended a community meeting in Coalinga, California, a town that is 45 percent Latino with no non-profit, community-based immigration service providers. The goal of the meeting was to provide immigrants with accurate information about immigration and naturalization requirements and to help protect them from exploitation by expensive and potentially unscrupulous immigration consultants. Providing free immigration consultations attracted a large audience that learned about FLF's organizing efforts to persuade Coalinga's Welcome Center to serve its immigrant residents and how to become more involved.

The ILRC has been involved in numerous community meetings helping to educate and organize immigrants around several legislative issues that are on the federal and statewide agendas. Some of these issues have included: a legalization (amnesty) law, accessibility of drivers' licenses for all immigrants, in-state college tuition for immigrants in the process of becoming lawful permanent residents, and lawful permanent residence status for some high school graduates. These community meetings have generated significant assistance to youth who have been organizing around the issues of

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30. See *supra* note 26; Siskind Susser, *Visa Spotlight: The Three and Ten-Year Re-Entry Bars*, SISKIND'S IMMIGRATION BULLETIN, May 27, 1998, available at <http://www.visalaw.com/98may/27may98.html>.



advocacy for in-state college tuition fees and permanent residence status for undocumented high school graduates (the DREAM Act).<sup>31</sup> In 2002, the ILRC's joint education efforts with these youth and their supporters helped to persuade the University of California Board of Regents to charge undocumented youth in-state, rather than out-of-state, tuition fees.<sup>32</sup>

#### 5. Presentation of Issues in the Media

When community members have determined, generally in more than one meeting, what issues concern them, who their audience is, and what kinds of activities they think will effectively reach that audience, they may decide to present their issues to newspapers or on radio and television. The ILRC partners with immigrant groups to place immigrants' stories and issues into the media as part of a community advocacy campaign. The ILRC also provides information on the art of engaging in a media campaign in its trainings and manuals.<sup>33</sup>

As a strategy, using the media can, of course, be very effective. The ILRC has discovered that the media is quite receptive to immigrant stories and perspectives, because the media often prefers to present issues through personal or human interest perspectives. The strategy can pay extra dividends if the local story gets picked up by other media outlets, thereby reaching a wider audience. While certain media sources may have greater influence on some mainstream decision-makers, others, including ethnic outlets, may provide an opportunity for more thorough and sympathetic coverage of important issues that also can have impact. Immigrants and CBOs also can use media to publicize the sympathetic side of a particular case to push for favorable administrative discretion or to affect national, statewide, or local policies.

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31. See *supra* note 2 and accompanying text.

32. See Univ. of Cal., AB 540-UC Tuition Exemption Questions and Answers, <http://www.universityofcalifornia.edu/news/article/9722> (last visited Sept. 11, 2008); *supra* note 2.

33. See discussion *infra* Part III.D (includes detailed descriptions of some of ILRC's work with media and some of the materials and training ILRC provides to immigrant service organizations).

The approach of humanizing an otherwise abstract or complex issue by showing how individual immigrants are affected by harmful immigration-related policy is effective in many forums. Decision-makers, from congressional representatives and city council members to border patrol officials, can be influenced by a story told in a forthright, detailed, compelling manner. Immigration policy advocates and members of Congress frequently seek testimony of immigrants to put a face on matters being considered. Preparing and providing testimony in a letter or in a delegation visit to a congressional office also can have an impact. These avenues provide immigrants the opportunity to describe their situations and offer suggestions, and hopefully to be taken seriously; this is an important step in becoming more civically engaged.

#### 6. Petitions and Letter-Writing Campaigns

Gathering signatures for petitions and letter-writing campaigns are effective tools to stimulate immigrant participation, advance coordinated effort among organizations, and influence policy. The ILRC and organizations with which it works view these efforts as an organizing tool to mobilize immigrants, especially activists, around issues on which their communities have decided to focus.<sup>34</sup> These activities also can be used as a starting point for nurturing participation by individuals who are inexperienced or lack confidence in their civic skills. An individual who has learned about an issue and participated in determining a course of action becomes more confident in raising the issue with co-workers, friends, relatives, and neighbors, and asking them to sign a petition or write a letter on the matter. Through this activity, the person becomes an educator and organizer for the community's campaign to address the problem. The ILRC has found that many people who start by circulating petitions become increasingly involved in other activities like organizing press conferences and meetings. They become invested in the issue, and

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34. The use of petition and letter-writing campaigns is highlighted in many ILRC practitioner manuals. The hope is to introduce the idea of letter and petition campaigns to legal practitioners who may not normally think of ways of incorporating social change and empowerment into their work on an individual case.

this buy-in often carries over into commitment on other issues facing the community.

The ILRC also urges coordination of petition drives among multiple immigrant service organizations when petition and letter campaigns focus on national or related regional issues. Coordination increases the impact of a campaign and builds working relationships among groups. The ILRC's grassroots partner organization, *Comite de Padres Unidos* ("Padres"), distributed and collected their petitions supporting an extension of INA § 245(i) among dozens of groups nationwide.<sup>35</sup> A delegation of farmworkers took the petitions to Washington, D.C., and presented 38,000 signatures to Congressional Representatives.<sup>36</sup> *Padres* also participated in the nationwide petition campaigns that helped convince the immigration officials to develop its family fairness policy and Congress to codify that policy as the Family Unity law.<sup>37</sup>

Petition and letter campaigns are not simply exercises in building coalitions and encouraging civic participation. They truly can be effective in changing policy. Each of the petition campaigns the ILRC and *Padres* participated in were important parts of campaigns that were ultimately successful. And the signatures gathered by community groups in places like Fresno, California, helped influence Congress to make income requirements for sponsors of relatives more realistic for those who want to immigrate.<sup>38</sup>

#### 7. Community Support of Individual Cases

Advocates and immigrant communities often learn about the adverse effects of a policy or procedure through news of a particular individual's case. In fact, the ILRC and its community partners have used news of a particular case or incident to rally attendance at community meetings, because residents often want to learn more about what happened and what can be done. A community advocacy campaign rooted in the case of a particular person or family can

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35. See discussion *infra* Part III.E.3.

36. Interview with Mark Silverman, Attorney, Immigrant Legal Resource Center, San Francisco, Cal. (Mar. 17, 2007).

37. See discussion *infra* Part III.E.3.

38. See discussion *infra* Part III.F.4.

motivate the affected family, neighbors, and others in similar communities to get involved in efforts to influence policy. Residents want to participate in efforts to help people they know, or when the situation reflects problems that they or others they know share.

The ILRC uses its role as both a resource for substantive law and as a civic engagement advocate to provide encouragement and support to immigrant service organizations and communities to organize and advocate on behalf of compelling cases. ILRC attorneys have aided in such community advocacy in a range of cases.<sup>39</sup>

Many of the strategies used for community advocacy at a regional or national level can be used simultaneously to demonstrate to a local decision-maker like an immigration judge or district director that the community desires a humane outcome in an individual case. With the ILRC's assistance, such efforts positively affected the outcome in many cases. For example, petition and media campaigns by individuals, the clients' legal workers, and local immigrant committees pressured immigration officials into permitting family members to remain in the United States pending administrative adoption of "family fairness" regulations and to expedite a mother's reentry to the United States.<sup>40</sup> An immigration judge acknowledged the intensity of community interest in his decision to grant permanent residency to the child of a mother who did not make as much money as proposals in Congress would have required.<sup>41</sup>

At the same time, the ILRC knows that compelling individual cases provide the public and decision-makers with a human face on what may otherwise seem a complex, abstract policy debate. In the

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39. Cases include the following examples: (1) the undocumented children of legalized parents in a family was threatened with deportation; (2) a farmworker was unable to obtain legal immigration status for her daughter because her earnings were insufficient to establish that the child would not become a "public charge"; (3) a newly married couple faced a ten-year separation if the husband had to return to China to complete the immigration process; (4) airport workers had to choose between losing their jobs that now require U.S. citizenship status and waiting years longer to help family members immigrate from the Philippines; (5) without specific regulations by the state university system, prospective students without legal immigration status would be required to pay prohibitively expensive out of state tuition despite state legislation permitting undocumented students to pay the lower in-state rate; and (6) a bureaucratic misstep resulted in a mother being taken into custody for deportation in front of her daughter.

40. See *infra* notes 75–78 and accompanying text.

41. See also discussion *infra* Part III.F.6.

course of their work helping individuals with their immigration cases, immigrant service organizations, with the individuals' consent, can show the general public how those cases illustrate the need for more humane immigration and refugee policies. The hope is that the public and policy-makers can come to recognize the harmful effects of policies on individuals, families and communities, by increasing awareness of the struggles and contributions of many immigrants.

#### 8. Formation of Immigrant Committees and Networks

The ILRC strongly advocates that organizers, legal workers and community members, who decide to work together on an issue form an immigrant-led committee to manage the cooperative work. For example, Guadalupe Ortiz (who has since joined the ILRC board of directors) acknowledges that she became involved with what would eventually become the immigrant committee *Padres Unidos* because its founding members were working with the ILRC to advocate a Family Unity that would unite her own family. She remained active with the group, and ultimately became co-coordinator because it empowered her personally as well as her community.<sup>42</sup>

The ILRC believes that forming and developing these committees provides an important basis of building power in immigrant communities. Staff attorneys encourage individuals to form committees both to work on a particular issue and to institutionalize efforts to address many issues that benefit or concern the community on an ongoing basis. In addition to a committee's function of eliciting community members' ideas and concerns and engaging in community education, the ILRC encourages committees to develop liaison relationships with local USCIS and ICE offices, develop petition and letter-writing campaigns, host civic skills trainings for community members, and develop relationships with other groups working on the same issue in the region. To help committees form and develop, the ILRC co-sponsors community education and advocacy programs with immigrant-led committees and provides leadership training to committee members. In some cases, the ILRC

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42. Interview with Guadalupe Ortiz, Member ILRC Bd. of Dirs., in S.F., Cal. (Feb. 12, 2007).

helps the committees develop as organizations over the long term, by attending meetings, helping to fundraise, or serving as advisor.<sup>43</sup>

The ILRC also helps develop networks of organizations that share information and ideas to work together on a common issue. For example, the ILRC helped to organize three networks of service providers who work with immigrant victims of domestic violence. These networks bring together agencies on a quarterly basis that provide immigration and other legal services, mental and medical health services, social services (counseling, access to public benefits, job training and placement, and domestic violence shelters), and law enforcement. The networks meet in the Fresno, Stockton, Napa, and Solano areas to share experiences and information. The ILRC also works with a partnership of diverse organizations in California's Central Valley to promote citizenship and civic participation.

### *B. Developing Leadership Skills*

The ILRC firmly believes that the immigrant community can have influence and power if the community has strong leadership and engages in civic action. Immigrants and their allied CBOs may have the information and motivation to advocate for change, but the challenge of convincing policy-makers to address their concerns can be overwhelming. They need well-honed civic skills to overcome objectification and marginalization of their concerns by decision-makers. Effective organizers and advocates with skills and strategies to deal with U.S. political and civic institutions are needed. Thus, the ILRC places strong emphasis on immigrant leadership training aimed at working class immigrants, including those who are non-English-speaking. By creating an effective leadership development program geared to the needs of the community, the ILRC hopes to increase the number of immigrant leaders and the organizations that train and sustain them.

Like all of the ILRC's programs to enhance immigrant power and participation, its leadership development work is based on its relationship with immigrants and the organizations that serve them.

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43. See *infra* Parts III.E.1 and 3 for descriptions of work with Centro Bilingue and Padres Unidos.

The ILRC gains access to local CBOs and committed residents by sharing its expertise in immigration law and policy. Staff attorneys have found that the same interest in immigration issues that motivates immigrants to participate in community advocacy activities often translates into a desire to hone civic organizing and leadership skills. In turn, the ILRC is willing to support these individuals, because when community members develop skills with which to educate and serve their neighbors, the community begins to serve and speak for itself. While immigrants and immigrant communities gain strength and resources from CBOs, those same organizations benefit from the energy, ideas, and skills of community members.

The ILRC created its leadership development program collaboratively with the types of individuals that the program is intended to reach. This includes staff from CBOs as well individuals from immigrant-led committees that desire to participate in community advocacy campaigns by developing capacity to provide effective information and services to their communities. These entities are well suited to help develop and deliver leadership training because many residents are more comfortable seeking services from an organization with which a neighbor or familiar community resident is affiliated. The advanced skills curriculum requires the organization to sponsor community projects developed in cooperation with newly trained leaders. The ILRC's goal is to assure organizations that the time and resources they commit to leadership skills training will provide more than abstract skills in the immigrant community; the organization's own programs will benefit as well.

The leadership training includes skills needed for organizing support for a community advocacy campaign. This includes developing public speaking ability and other skills needed by "lay advocates"—volunteers from the community who help community groups educate and assist people with immigration related services.<sup>44</sup> The basic skills curriculum, for example, instructs organizations on how to train and develop volunteer lay advocates to perform some of the organization's essential functions like outreach and community education.

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44. See generally Gerald P. López, *Lay Lawyering*, 32 UCLA L. REV. 1 (1984) (describing lay lawyering).

Both the ILRC's informal, campaign-based and more formal, curriculum-based leadership trainings employ participatory learning techniques. When the ILRC works with immigrants on campaigns, they practice skills in organizing meetings, or speaking to a neighbor or member of Congress about an issue. The basic trainings require participation in brainstorming sessions, roleplays, and skits, to write and present model speeches, and to engage in facilitated evaluations of each other's work and the progress of the training. Advanced trainings require leaders to work together to determine how to design and present basic leadership training, develop and implement actual education, service or advocacy programs, and then reflect on what additional training they need to be more effective. These elements (including eliciting and respecting immigrants' ideas, encouraging them to work through problems together, and facilitating the process of putting theoretical knowledge into practice) help them learn the skills effectively. The methods also develop participants' confidence in their fellow participants and in themselves.

The primary contexts in which the ILRC conducts its leadership development work—its leadership development curriculum, training sessions based on that curriculum, and skills development in the context of community advocacy projects—are discussed briefly below. In addition to these major initiatives, the ILRC provides ongoing coaching, mentoring, and technical assistance to many groups engaged in leadership development.

#### 1. The Immigrant Leadership Training Curriculum<sup>45</sup>

*“What is media?” asks the trainer. “Why might it be helpful to get newspapers, radio or TV to cover immigration issues? Once a group has decided an issue to bring to the media, will media work be helpful? To whom? Why? Who will it affect? Is there potential damage or a downside that would result from media coverage or publicity? Could it potentially damage our allies or us? Who should ultimately decide whether to*

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45. ERIC COHEN ET AL., IMMIGRANT LEADERSHIP TRAINING CURRICULUM (2000), <http://www.ilrc.org/resources/ild> (follow “Immigrant Leadership Training Curriculum.pdf” hyperlink).



*proceed? When would it be more effective to focus on either ethnic, local, or mainstream media?"*

Questions like these, followed by brief lectures on implementing a media strategy, generate initial discussions for those immigrants who want to develop media leadership skills. The goal of the curriculum is to get to a point where participants learn when and how to use print and broadcast media to assist their community. The trainees learn to identify media-appropriate issues, messages, and the specific steps involved in putting together a press conference. Many matters are discussed in great deal and specificity; for example, the need to determine who will speak on a particular issue and what each speaker needs to focus on to be effective is covered. They learn that they should call reporters to remind them of the press conference and that media packets should be prepared. A mock press conference is held so that all the steps can be rehearsed, and then, in collaboration with the trainers, the trainees hold a real press conference. This participatory, experiential session is followed by facilitated evaluation of each leader's work as well as the effectiveness of the training itself.

The step-by-step leadership training curriculum, described below, includes three levels: a basic skills training, an advanced skills training, and development and implementation by leaders of small-group "Civic Action Projects" ("CAPs") to address problems facing their communities and to develop leadership skills. However, organizations can modify the approach to suit their own communities' needs, by using only certain sections of the ILRC's curriculum. The ILRC developed and shares the curriculum with immigrant service agencies in hopes that others will replicate the program to individuals in other communities. In addition to the substantive skills units, the curriculum provides guidance on identifying and recruiting potential participants.

The participatory approach is emphasized, as well as the confidence-building goals of the program, with detailed instructions for interactive training, including: providing enough trainers so that small groups of four to six individuals can be facilitated by a trainer; developing affinity among participants, for example, by including a graduation ceremony and party at the end of the training; telling participants exactly what to expect from each session; brainstorming;

conducting skits and roleplays; conducting group evaluations that help define the course of training; working with partners and in groups; emphasizing skills over substance, even where substantive issues are used as examples; assigning homework to participants; and recognizing the connection between training and practical experience through projects sponsored by community groups.

Each of the skills training units describe the purpose of the unit, the time required, prerequisite information for participants, and an agenda. Each unit walks the trainer through every step of the training session, from welcoming the participants and facilitating roleplays to making detailed presentations on substantive topics.

a. Basic Skills

i. Introduction to Lay Advocacy and Leadership Skills

This initial unit introduces participants to one another through an icebreaker exercise and full group discussion, and explains the curriculum's goals, methods, subjects, and expectations. Through discussion groups and roleplays, the value of understanding the culture and institutions of the United States is explored, in order to promote mutual respect and unity, and to help avoid problems based on mistaken assumptions.<sup>46</sup>

ii. Naturalization Requirements and Process

Leaders are taught about the citizenship naturalization application process for several reasons. The ILRC places great emphasis on basing its curricula on issues the communities identify as important. The community's desire to learn about immigration benefits links both potential leaders and other community members to the service organization. Naturalization has been identified as an area of keen interest in immigrant communities. Thus, potential leaders with information and skills in the naturalization process can serve as

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46. For example, a roleplay shows participants that in the United States, written contracts have a higher value than oral promises. Participants create a list entitled: "What we would tell someone just arriving in the United States—the basic survival rules."

resources for the community and organizations. More fundamentally, through their assistance, leaders are able to help residents become U.S. citizens and complete an important step toward civic membership. Thus, since the leadership curriculum seeks to help potential leaders develop skills needed to educate and advocate for their communities, naturalization counseling is a useful vehicle.

The process begins with a training session on naturalization that is unique in the curriculum because of its lecture format. Trainers do, however, ask participants to present information they may hold from their own experience in the naturalization process. The session begins with the participants introducing themselves. The trainer then lectures on the requirements for naturalization and the naturalization process. Significant time is allotted for discussion of the fact that when someone applies for naturalization, the USCIS reviews the person's entire immigration and criminal record. Because such a review might result in a naturalization denial or even the institution of removal proceedings, this session, like all ILRC trainings on naturalization, points out potential risks at many points in the presentation. Throughout the training, the trainer emphasizes that even though they have learned valuable information about naturalization, the leaders are not legal experts. A short unit later in the curriculum trains leaders on making referrals when technical legal challenges are raised.

The session ends with an overview of ways newly trained leaders can help community members learn about and apply for naturalization, including outreach and assistance at naturalization group processing sessions. These sessions provide a forum for community members to learn about naturalization in a manner that is efficient, effective, and empowering, while significantly reducing potential application risks. A later training unit covers naturalization outreach for leaders.

To prepare for the next two units, leaders are required to complete a naturalization application and prepare a brief presentation about the requirements for naturalization. The follow-up sessions, that train leaders on how to help individuals complete the naturalization application, are more participatory segments of the training.

### iii. The Application for Naturalization

In this training unit, leaders identify the ways in which the naturalization application can be confusing and can elicit potentially damaging information. Leaders complete an application before the session and come prepared with questions and comments that will help them identify potential challenges for applicants. The trainer discusses the problem questions (e.g., have you been arrested?, have you been out of the country?) with the leaders, including their purpose and potential risks. The leaders usually come away from this session with a better understanding of the questions and concerns community members may bring to the application process.

Completing forms can be challenging and frustrating, but the experience is a common task in the United States; with practice, however, one becomes experienced at form filling. The ILRC believes that nearly everyone can do most of the work involved in many applications for immigration-related benefits, and that when they do so, immigrants affirm and develop this important, albeit tedious, skill. The naturalization application is a typical form. Seemingly simple questions may require looking through old documents for answers; some answers can lead to investigation or even deportation risks for the applicant or a relative. Other questions are simply puzzling. Getting through the application is a skills-building, empowering experience.

### iv. Naturalization Outreach and Meetings

Outreach is an ideal task for leaders from the community to undertake because they have a good sense of what messages and activities appeal to friends and neighbors. The concept of outreach inspires leaders to share their knowledge and ideas with one another and the training organization. The training promotes the presentation of information, through lecture, group discussion, and roleplays involving outreach techniques that other immigrant communities have used successfully. Using naturalization as the focal point is a particularly good topic because citizenship leads to the conventional civic participation act of voting.

This half-day session begins with the leaders writing answers to these questions on a worksheet: (1) Why do we need to do outreach to the community about naturalization? (2) Where would we do this outreach, and in what ways? and (3) If we wanted to have a meeting, how would we set it up, what would we do first, and what would be the different steps we should take?

Answers to these questions, and some ideas provided by the trainer, form the basis for a brainstorming session. The full list of ideas are recorded and distributed to leaders.

The three elements of holding an outreach meeting are presented through roleplays on the following scenarios: (1) convincing someone from a community institution like a church, community center, or school to host an outreach meeting on naturalization; (2) convincing community members to come to an outreach meeting; and (3) doing a presentation on naturalization requirements.

The trainer sets up each roleplay by explaining the purpose and the basic rules for each task, then playing the part of a leader in a model roleplay, and finally explaining in detail how her presentation followed those basic rules. She also emphasizes the importance of practicing any activity before doing it. The leaders break into small groups to roleplay each task.

This unit uses a facilitated evaluation session. The trainer provides the leaders with rules to follow in providing one another with positive, effective evaluations of their presentations. Then the trainer models an evaluation with another trainer. Each leader evaluates his or her own performance, and the other leaders give positive feedback and constructive suggestions. Getting leaders to evaluate each other's performances reinforces the unit's lessons and improves the quality of each leader's work. This process also affirms that each participant, and not just the trainer, is a source of knowledge and good ideas.

#### v. Combating Anti-Immigrant Backlash

Like the units on naturalization, this unit uses the issue of combating anti-immigrant sentiments, both as an illustration and an important matter in its own right, by encouraging leaders to think about ways they and their communities can address a range of issues. The trainer starts this session by emphasizing the urgency of

addressing anti-immigrant myths and backlash. Then leaders break into small groups that brainstorm answers to different questions such as: What stereotypes about immigrants are perpetuated by the media and by politicians (that is, what are the myths about immigrants)? Why is that harmful? Why are these stereotypes perpetuated? What do immigrants contribute to American society (that is, what are the realities about immigrants)? Why is immigration good for the United States?

When the groups reassemble, the leaders brainstorm and discuss ways they can help combat anti-immigration sentiment. The leaders share answers they and the trainer came up with in the small groups and determine whether any of the “myths” can be addressed by any of the “realities” that were identified. The trainer gives the leaders a preliminary lesson on making effective presentations, and in small groups, they practice writing and presenting short speeches to rebut several anti-immigrant myths.

#### vi. Teaching the Value of Learning English

While acknowledging the capacity and contributions of many great advocates and leaders in the United States who do not speak English, the community groups that have asked the ILRC to develop a leadership training curriculum emphasize that basic English literacy makes the tasks of education and advocacy significantly more effective. Thus, the ILRC has developed a unit dedicated to large group discussion on learning the language.<sup>47</sup> Some of leaders follow up by developing flyers to distribute about the availability of ESL classes and other relevant courses in the community.

#### vii. Practice Giving Referrals

The training emphasizes that the role of the leaders is to educate community members about the basic naturalization requirements and application process, not to evaluate the qualifications of individual

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47. The topics include: What are some obstacles some people face in learning English, and how can we help them overcome these challenges? What are some of the ways individuals—including the leaders—learn English? Where can English classes be found and how does one enroll?

cases. This can be a challenge for many leaders who want to provide their neighbors with answers to every question. So the ILRC has developed a unit consisting of leaders in small groups to practice saying, "I don't know. Let me refer you to someone who does." The goal is to discourage educated guesses to questions, no matter how well intentioned. Trainers play the part of community members asking both general questions about a requirement or application question (which can be answered by a trained leader), and case-specific questions that require analysis that should be referred to an expert.

#### viii. Teaching Immigrants' Rights

The unfortunate history of enforcement raids in immigrant communities has led to the need for response trainings in affected communities. ILRC initiated trainings for immigrant leaders at the request of immigrant-led groups who wanted to educate their communities about the constitutional rights of immigrants who are questioned or detained by immigration agents. The unit has been presented countless times to train hundreds of leaders who have in turn educated thousands in immigrant communities.

The unit prepares leaders to conduct "know your rights" presentations in vulnerable communities. Most of the training content is identical to the presentations the leaders eventually will make. The training often begins with a viewing of the video, *La Redada* ("The Raid"), that emphasizes the great risk of using false papers and the importance of knowing and asserting one's rights, even under challenging conditions.<sup>48</sup> The trainer refers to characters and events in the videotape, while discussing what rights are constitutionally guaranteed to everyone in the United States, and how they can be exercised in the immigration context.

The use of roleplays is critical in teaching leaders and ultimately other community residents how to assert their rights. The leaders

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48. LA REDADA (2007). *The Raid* is a documentary film about an ICE raid that took place at the Del Monte factory in Portland, Oregon, on June 12, 2007. *Id.* See Portland Independent Media Center, <http://Portland.indymedia.org/en/2007/11/368471.shtml> (last visited Oct. 16, 2008).

participate in roleplays, initially modeled by trainers, acting as ICE agents trying to obtain incriminating evidence and an undocumented immigrant resisting. This is repeated in trainings to the community. Each leader also practices a “know your rights” presentation in a small group that is evaluated by other trainees.

#### ix. Public Speaking

Participants in the leadership training program understand that knowing how to prepare and give a presentation is a basic leadership skill. Well-developed presentations can inform, convince, and inspire others to act on behalf of the community. The first of two units starts with large group discussions of potential topics for speeches and the ingredients of good speeches. The trainer reminds the group that most of them have in fact made speeches before, e.g., persuading the landlord to fix the sink, explaining to the cashier at the store that the sweater purchased was torn, or even urging children to complete their homework. The following topics are then covered: selecting a topic; researching the topic and audience; selecting an accessible location and doing effective outreach; writing the speech, with an introduction, body and conclusion; using personal experiences to humanize and animate the topic; relating the topic to things that interest the audience; motivating the audience to act; practicing the speech many times; giving the speech, including involving and motivating the audience; and emphasizing main points with visual aids.

The trainer models a brief speech and leads a discussion on the speech. The group breaks into small groups facilitated by co-trainers to prepare and give two-minute speech introductions. The groups evaluate each speech.

After the initial session, leaders are required to write and practice a ten- or fifteen-minute speech on any topic they choose. At the second session, in small groups, the leaders present their own speeches and evaluate those by others.

#### x. Media Work and Setting Up a Press Conference

Setting up a press conference is the centerpiece of the ILRC unit on media work. In this part of the leadership training, the participants



work together to design a message to reach an audience through the media. The session begins with a lecture and discussion on the media, its potential reach, and how it can help address immigration issues. The trainer describes the nuts and bolts of setting up and conducting a press conference. A mock press conference is held, either on naturalization or another issue important to the leaders. Small groups, aided by co-trainers, plan and present their mock press conferences, dividing up various responsibilities among themselves as they would in reality. The groups then evaluate their work. After this practice, some groups often decide to conduct an actual press conference.

#### b. Advanced Leadership Training

The Advanced Leadership Training is designed to strengthen the skills participants learned in the initial training by getting participants to (1) teach those skills to new leaders and (2) use the skills to identify, plan and conduct CAPs in their community. Each leader who participates in the Advanced Leadership Training has used the basic skills in the community developed in the Basic Skills training and prepared with the trainer to present a part of the advanced training. Many of the participants in the Basic Skills training decide to go on to the advanced program to further develop their association with the trainers and sponsoring organization.

The main part of the advanced training is presented in conjunction with CAPs, which are small-group campaigns chosen, designed, and carried forth by leaders as a means of addressing problems facing their communities.<sup>49</sup> CAPs provide a forum for leaders to utilize leadership skills developed in the basic training while they work on a campaign that addresses real problems within their community. The first of two training units on CAPs explains their purpose and outlines the processes of problem solving and group collaboration. Upon completion of this introductory training, the leaders formulate CAPs topics by breaking into small groups, that will carry out advocacy campaigns over several months. The second unit is

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49. For example, a CAP might aim to improve the recreational services available for immigrant youth in the community or to promote hiring more bilingual faculty and staff in the local school district.

comprised of a “CAPs Update Meeting” when several CAPs groups come together to update each other on their campaigns.

c. National Paralegal Training Program

The ILRC also has incorporated its leadership training ideals and techniques into its National Immigration Paralegal Training Project.<sup>50</sup> This project, funded by the Ford Foundation,<sup>51</sup> started in 1990. Through it, the ILRC works with partner agencies to educate paraprofessional advocates and paralegals—many of them immigrants themselves—to help immigrants navigate the immigration process. Advocates are trained in intensive courses hosted by community colleges and local CBOs. Through this program, the ILRC has trained more than three thousand advocates in dozens of cities across the country, conducting more than a dozen courses a year.

The main focus of this program is to teach paralegal advocates about immigration laws and procedures. But throughout the forty-hour training, the ILRC’s paralegal training curriculum also covers leadership skills, including: how to conduct meaningful community education, build community support, conduct negotiations with government agencies, teach immigrants how to be lay advocates, and present “Know Your Rights” meetings. Another focus is collaborative integration of clients into decision-making and other work involved in their individual cases.

d. Training Lay Advocates for Citizenship Campaigns  
Curriculum

In response to requests by immigrant-led groups for tools to develop skills in the immigrant community and expand their capacity to provide naturalization services, the ILRC developed a separate leadership skills development curriculum designed to recruit and train community members to help residents apply for naturalization. This

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50. See Welcome to ILRC National Trainings, <http://www.ilrc.org/trainings.php> (last visited Sept. 2, 2008), for information on the National Paralegal Training Program.

51. Ford Foundation, <http://www.fordfound.org> (last visited Sept. 20, 2008).

curriculum uses the same training approaches described in the Immigrant Leadership Training Curriculum. Topics include: naturalization law and procedure, how to assist applicants in naturalization group processing sessions, and how to develop naturalization information meetings. Through exercises, participants practice setting up and making presentations at naturalization outreach meetings, helping applicants with naturalization applications, and referring applicants to legal experts.

## 2. Examples of Immigrant Leadership Skills Trainings

*In 1989, immigrant residents of an East Palo Alto apartment complex became concerned that in retaliation for their involvement in a lawsuit to force their landlord to provide habitable conditions, the landlord would convince the immigration officials to conduct raids to identify and deport undocumented immigrants. Tenants asked the ILRC to help them prepare tenants for potential raids. The ILRC showed tenant leaders a “Know Your Rights” video and developed a flyer. The tenants planned a skit to show their neighbors how to refuse to give an immigration officer access or information. The ILRC incorporated legal information about immigrants’ rights, the skit approach, and ideas about making outreach presentations into a training that developed significant leadership skills in the immigrant community of East Palo Alto. When immigration officials showed up at the apartment complex, all the tenants exercised their right to remain silent, and no arrests were made.*

The ILRC has worked with several immigrant-led organizations in the San Francisco Bay Area and the Central Valley to develop leadership skills trainings that respond to the specific needs of immigrant communities. These communities can be geographic or interest-based.<sup>52</sup> The ILRC has incorporated much of these experiences into the Immigrant Leadership Training Curriculum

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52. For example, the ILRC has provided high school and college students with leadership skills training to assist their work as new immigrant and refugee advocates.

described above. Leadership trainings also have been presented to organizations affiliated with Lutheran Immigrant and Refugee Services (LIRS).<sup>53</sup> Specific examples of immigrant leadership training efforts are described below.

a. East Palo Alto Trainings with Centro Bilingue

During the 1990s, the ILRC conducted several leadership skills trainings in partnership with the immigrant-led group Centro Bilingue in East Palo Alto, California, a low income, diverse community that borders the more affluent city of Palo Alto. The purposes were fourfold: (1) to respond to Centro Bilingue's request for training of its leaders, (2) develop new leaders in East Palo Alto, (3) promote citizenship and civic engagement in East Palo Alto, and (4) develop a comprehensive leadership skills training curriculum. This series of trainings covered nearly all of the components described above in the full leadership skills curriculum. Additionally, the training covered advocacy before the city council and commissions, and some presentations were specifically designed for immigrant youth and specific ethnic groups. A thirty-hour training curriculum was used, and forty immigrants graduated from the leadership trainings.

These trainings and civic action projects substantially increased community and civic involvement in East Palo Alto's immigrant community. In addition to helping hundreds of people become new U.S. citizens, newly-trained leaders led or participated in over 170 community events reaching nearly 2,700 individuals on a range of topics, including naturalization, the advantages of learning English, and immigrants' rights and responsibilities. Leaders attended city council and city commission meetings to educate decision-makers about community needs, such as increasing youth services. The leaders became recognized in their communities as trouble shooters for various neighborhood issues. Individual leaders took on important community tasks, including teaching ESL classes, organizing Spanish literacy classes, and serving as Latino issues resources for the site council at a local high school. A group of leaders met with East Palo

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53. See Lutheran Immigration and Refugee Service, <http://www.lirs.org> (last visited Sept. 2, 2008).

Alto city employees about issues involving safety and youth, while others met with elected officials on issues important to the local immigrant community.<sup>54</sup>

b. Padres Unidos

Since 1989, the ILRC has provided both formal and informal trainings to Padres, an immigrant-led committee that formed to advocate on behalf of supporting and improving family-based immigration categories.<sup>55</sup> The group also has coordinated and participated in many advocacy and outreach campaigns such as the Family Unity campaign, the INA § 245(i) campaign, and the campaign to help people naturalize. Most of the training has centered on how to conduct media work, outreach to other immigrants about issues important to their communities, public speaking skills, and advocacy work with policy-makers such as members of Congress. Much of the informal training has been provided at Padres' monthly meetings.

When Padres perceived a dramatic, increased interest among immigrants in San Francisco and the Bay Area for information about naturalization, they asked the ILRC to provide them with training to enable them to conduct naturalization outreach presentations and application assistance. This full-day training on naturalization requirements, procedures, and risks helped expand Padres' focus from advocacy to outreach. Armed with substantive naturalization information, Padres became a better resource to immigrants and immigrant service organizations in the Bay Area. As a result of partnering with the ILRC for training and consultations, Padres has become well known for its ability to galvanize attention and involvement among newcomers on public policy issues.<sup>56</sup>

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54. See *infra* Part III.E.1.

55. See Immigrant Legal Resource Center, *Preparing Immigrant Leaders*, [http://www.ilrc.org/comite2\\_eng.php](http://www.ilrc.org/comite2_eng.php) (last visited Sept. 2, 2008).

56. See *infra* Part III.E.3 for further discussion of Padres.

c. Mujeres Unidas Y Activas

From 1992 to 1994, the ILRC trained leaders of the San Francisco-based, immigrant-led committee Mujeres Unidas Y Activas (United and Active Women)<sup>57</sup> on how to conduct community outreach on immigrant and refugee rights, naturalization, public speaking, and meeting facilitation. The bulk of the training involved practicing how to teach information to others, including how to organize a meeting and lead a discussion. The ILRC enlisted the help of a drama teacher to work with the leaders on developing and presenting skits. The ILRC's *Training Lay Advocates for Citizenship Campaigns* manual is based on these trainings.<sup>58</sup> The women went on to coordinate dozens of meetings all around the San Francisco Bay Area. The participants from the Mujeres trainings remain active and involved members of the group and continue working as leaders in the community.

d. Student-run Campaigns

In 2001, the ILRC began working with immigrant students in Northern California on several campaigns to enhance their input into issues that affect them. So that student organizers could develop the skills and confidence to effectively run meetings, conduct outreach, speak in public, write petitions, and hold press conferences, the ILRC provided trainings on those topics based on the Immigrant Leadership Training Curriculum. Since that time, students who have collaborated with the ILRC have conducted press conferences, dozens of meetings, and multiple petition campaigns.

e. Naturalization Service Provider Leadership Trainings

With funding from the Emma Lazarus Fund of the Open Society Institute in the late 1990s,<sup>59</sup> the ILRC incorporated leadership and

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57. See Mujeres Unidas y Activas, <http://www.mujeresunidas.net> (last visited Sept. 2, 2008).

58. ERIC COHEN ET AL., TRAINING LAY ADVOCATES FOR CITIZENSHIP CAMPAIGNS (1999).

59. Through his Open Society Institute, billionaire George Soros created the \$50 million

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civic participation training presentations and discussions into naturalization trainings for representatives of CBOs in several different cities including Dallas, San Francisco, Philadelphia, and Honolulu.

f. Lutheran Immigrant and Refugee Services

In December 2000, the ILRC partnered with Lutheran Immigrant and Refugee Services (“LIRS”)<sup>60</sup> to present a three-day leadership training in Baltimore, Maryland, for five LIRS-affiliated organizations from throughout the country. The training was an integral part of LIRS’s Inspiring Leadership Initiative. The trainings accomplished two major goals. First, ILRC and LIRS staff trained sixty-five staff members and volunteers from the affiliate organizations, as well as leaders from the immigrant and refugee communities with whom the affiliates were working. The ILRC and LIRS designed these trainings to present leadership skills to the attendees, and several were identified as potential trainers themselves who could train leadership skills to others in the future. Second, the ILRC trained volunteers from each organization’s service community to help the organizations provide better services and stimulate civic engagement activities using a wide range of skill-building exercises from the ILRC’s Basic Leadership Training Curriculum. Special attention was paid to working with multi-ethnic communities and refugees. The trainings convinced LIRS-affiliated immigrant and refugee service providers to enhance and improve their community outreach, reallocating and reconfiguring staff time to increase the emphasis on community relationships. Each participating organization successfully reached out to new ethnic populations. Immigrant communities, led by the participants in the training, implemented new community-based programs, forged coalitions, and created mutual assistance associations (“MAAs”).<sup>61</sup>

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Emma Lazarus Fund in response to welfare reform, to help immigrants become citizens and become eligible again for welfare services. See Martha T. Moore, *Tycoon Puts His Money Where His Beliefs Are*, USA TODAY, Aug. 25, 1997, at 11A.

60. See Lutheran Immigration and Refugee Service, *supra* note 53.

61. See Lutheran Immigration and Refugee Service, *25 Ways to Help Refugees (Beyond Traditional Sponsorships)*, <http://www.lirs.org/donateserve/serve/25ways.htm> (last visited Sept.

g. Partners in VAWA Outreach and Services Project

In addition to providing training to service providers in the Central Valley on the substantive law of the Violence Against Women Act (“VAWA”)<sup>62</sup> self-petitioning provisions for battered immigrants, the ILRC has trained the service providers to conduct outreach through print and broadcast media. The trainings include a group discussion about a compelling message, organizing a press conference, practicing presentations, conducting an actual press conference, and debriefing for purposes of self-reflection and discussion.

*C. Working with Clients as Partners*

*Imagine that your child’s teacher has recommended that she be placed in an accelerated learning program that involves a complex application process. The program administrator tells you, “The application is too complicated for you to complete. I will take care of it.” Imagine then that the program administrator asks, “Do you regularly read to your child? Have you established a regular place and schedule for her homework? Is she in a quality after-school program?” You may feel relieved that you don’t have to make complex decisions and complete complicated paperwork. But you may also wonder whether these questions imply that you should have done more for your child. You may be concerned that how you answer the questions may jeopardize her entry into the program.*

*Now imagine instead that you are told, “This is a complex process, so it will take the two of us working together to get it done. Let’s talk about what the program involves and what the qualifications are so we can decide whether it’s the right thing*

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2, 2008).

62. Pub. L. 103-322, 108 Stat. 1902 (codified as amended in scattered sections of 18 U.S.C. and 42 U.S.C.).



*for you and your daughter. Then we'll talk about what we need to do to complete a successful application."*

Not surprisingly, many immigrants feel that certain settings and institutions in the United States are challenging and difficult to navigate. This can affect their capacity to seek benefits or other subsidies that their families may need. The challenge can also prevent many immigrants from expressing their concerns about how institutions and policies affect them.

The ILRC has found in its own work with individual clients that treating clients as partners in their cases helps them gain confidence and skills needed to meet such challenges. This collaborative approach is advocated to immigration service providers in several ways. First, in providing training and advice to immigrant service providers, the ILRC stresses how treating clients as partners in their cases contributes to the development of more effective case strategies and advocacy. Second, the ILRC urges immigrant service organizations to undertake the range of activities discussed above to enhance client and community empowerment. Through its manuals, trainings, and consultations, the ILRC asks immigrant service providers to engage in exercises like the ones described to recognize that, like the alternative message to the parent presented above, they have opportunities to empower their clients in the manner in which they provide services. Third, based on its experience working with clients as partners, the ILRC has created models and materials that can make working in partnership with clients easier and more efficient than traditional service delivery models.

This section describes cases on which the ILRC has worked using a participatory approach. The models and materials developed are based on those experiences to encourage and assist service providers to work with clients collaboratively.

#### 1. Cases

While handling individual immigration cases is not a significant part of ILRC's mission today, the program has represented clients in many challenging cases. From the time the ILRC was founded in 1989 through the mid-1990s, the ILRC handled hundreds of cases through its supervision of students in immigration law school clinics

at Stanford Law School<sup>63</sup> and Golden Gate University, School of Law.<sup>64</sup> During this time, the ILRC staff attorneys represented several high-profile asylum seekers, including several from China who spent years in government custody after the ship that smuggled them ran around in New York harbor. From 1987 to 1990, ILRC attorneys represented Patrick Mtoto, a black South African, arguing that he was entitled to asylum because the apartheid system per se persecuted blacks like Mr. Mtoto.<sup>65</sup> ILRC attorneys and students working under their supervision systematically incorporated client empowerment ideals and methods into every case. The lessons they learned from that work informed the models and materials described below that were developed for other immigration service providers.

Law students,<sup>66</sup> working through ILRC's East Palo Alto office, regularly spent hours discussing why and how to work with clients collaboratively before they started working on their assigned cases. From the start, they talked with their clients about working as a team on the case. They explained the requirements of the immigration provision that governed the case and the rationale behind the rules and laws. They referred to those requirements when they interviewed clients to help them understand why it was important to be candid and thorough, even about personal matters. They asked for, discussed, and took seriously their clients' ideas about how to handle their cases. They encouraged clients to take responsibility for identifying from whom and where to get necessary documentation like letters and declarations, and then obtaining those documents. They helped the clients identify and figure out solutions to their concerns about gathering documents, such as writing out the reason and instructions for a declaration if the client needed notes to explain these things to the potential declarant. Students and their clients

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63. Stanford Law School, <http://www.law.stanford.edu> (last visited Sept. 20, 2008).

64. Golden Gate University, School of Law, San Francisco, [http://www.ggu.edu/school\\_of\\_law](http://www.ggu.edu/school_of_law) (last visited Sept. 20, 2008).

65. Interview with Mark Silverman, Attorney, Immigrant Legal Resource Center, in S.F., Cal. (Oct. 11, 2008).

66. Many of these Stanford Law School students were influenced by Jerry López who taught at Stanford at the time. Jerry also served on the board of the ILRC for several years. One of his students, Eric Cohen, became an ILRC staff attorney in 1988, and is now the Executive Director of the ILRC. Immigrant Legal Resource Center, ILRC Staff Bios, <http://www.ilrc.org/staffbios.php> (last visited Sept. 2, 2008).

developed “to do” lists and committed to completing their responsibilities. They listened sympathetically to clients’ accounts and feelings about events; they were attentive to clients’ views and concerns that did not appear to be immediately related to their cases.

Often, the atmosphere of mutual trust would result in clients relating critical information that otherwise might not have been revealed.<sup>67</sup> Just as important, the clients felt acknowledged and respected, and they functioned better during government interviews and in immigration court. Many clients who would start out passive or afraid became effective partners in their cases—expressing their concerns about the case, developing ideas, and identifying and gathering important documentation.

The ILRC also has presented scores of workshops to help people learn about and apply for naturalization, Family Unity, and family-based immigrant visas. That work is described in the section on group processing, below.

## 2. Manuals

Most ILRC manuals distributed to pro bono attorneys and nonprofit agencies feature a chapter about client meetings or interviews. These chapters provide guidance to legal advocates on how to work with their clients as partners by explaining the efficacy of the approach in both case preparation and in empowering the client. Methods and approaches are described along with materials that facilitate partnerships with clients.<sup>68</sup>

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67. For example, in one case, a mother of two girls applying for discretionary relief from deportation revealed a weakness in the case. In another, a client’s account of abuse by her husband, her fear of him, and fear of being ostracized made her case for deportation relief much more compelling.

68. A typical ILRC manual encourages legal advocates to work in partnership with their clients with this type of description: *When a client is involved in her case, she refines and learns skills that will help her and her community gain power in this society. The skills she may refine or learn include: completing forms, keeping and maintaining records, advocating on behalf of something or somebody, organizing documents, teaching information, proving things to others, negotiating, brokering, and others. All these skills are transferable to other parts of clients’ daily lives such as interacting with landlords, teachers, work supervisors, store clerks, banks, government agencies. By helping clients with these skills, the community at large benefits because clients will often share the skills and information with the community.*

a. Strategies that Facilitate Partnerships with Clients

The client meeting or interview chapter of each ILRC manual generally includes the following types of suggestions for facilitating a partnership with a client:

Tell the client that you consider the case a partnership effort, and although this method of working on a problem may not be familiar, you are confident that it will work out well. Explain that the client is as responsible as you are for the case, which means he or she must be forthcoming and honest with you, must attend all meetings with you and all appearances with USCIS, ICE, or immigration court. Clients who have a criminal history should be warned about the consequences of recidivism.

Explain in language that is understandable to the client the law and regulations that apply to the case, the process involved, and the challenges and benefits of the legal provisions.<sup>69</sup> Give the client handouts that explain the legal provisions, so that the client can review the material on his own, with family members, or with other

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*Moreover, by involving the client more, she is better able to share information with the advocate. This enables the client and advocate to work as a team.*

*Clients have valuable information and ideas about their cases. Clients who understand the legal provisions and processes that apply to their cases, and who are treated as valuable contributors, and who develop trusting relationships with legal workers, are more likely to recognize the importance of sharing information and ideas. They are generally the most effective source of ideas about whom to approach and how to approach them for support, such as for letters and declarations. With good instructions, they can gather most of the documents needed for their cases. Clients who understand what the law requires and see themselves as active participants in showing how they meet those requirements are more effective at telling their own stories in declarations and court. They also tend to be more candid and forthcoming with the legal worker on their cases and make it to more appointments and hearings.*

*Just as important, engaging clients as full participants in their cases counters the shared perception of many immigrants and service providers that immigrants are helpless and dependent upon the service provider. When immigrants perceive themselves instead as contributors to the service organization and community, they become more confident and committed to that relationship. Moreover, the actual hard work of collaborative decision-making, case building and document gathering enhances the skills immigrants need to become active participants in the lives of their communities.*

*Creating a relationship in which the client shares his knowledge, concerns and ideas teaches advocates more about their client communities, helping them become better advocates. The client may also develop a connection with the advocate and the service organization, perhaps helping to bridge the organization and community.* IMMIGRANT LEGAL RES. CTR., NATURALIZATION & U.S. CITIZENSHIP: THE ESSENTIAL LEGAL GUIDE 2-2 to 2-3 (2006).

69. Several ILRC manuals provide model explanations.

allies to help make a decision about going forward with the case.<sup>70</sup> Be sensitive to whether your client is literate or not.

Ask the client to make the determination whether to go ahead with the case. Encourage the client to talk with family or friends and to return for more information from you if necessary. Emphasize that the decision is the client's.

If an application is involved, provide the client with a sample application form, translated if necessary. Review any confusing or potentially damaging sections and ask the client to fill in as much information as possible prior to returning to work on the actual application form. If you need to ask questions that are personal or confusing, inform the client of the specific legal or procedural requirement to which the question relates, and acknowledge the potential problem with the question.<sup>71</sup>

Discuss the idea of working together on the case with the client and how, in dividing up the work and responsibilities in the case, the client taking on the responsibility for collecting declarations and other documents makes sense. Describe what a client needs to include in a declaration, and have the client prepare a rough draft. Review the draft with the client and discuss what changes or additions may be necessary.

Brainstorm strategies with the client. For example, discuss what types of proof are most effective and available for an asylum case. Ask who would make a good witness. Review the kinds of documents that show extremely unusual hardship for a cancellation of removal claim.

Work together with your client to produce "to-do" lists with clearly defined tasks and deadlines for you and the client. Provide model letters or explanations of what is needed. If the client seems anxious or unsure about how to get something on the list, discuss the steps involved. Practice by doing a roleplay with the client on seeking assistance from a potential witness or ally.

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70. For many of the immigration provisions, the manuals include clear explanations in English and Spanish.

71. For example, a legal worker might explain that the question on the naturalization application about the applicant's prior marriages is relevant only to the USCIS's investigation into an applicant's marriage-based immigration status and not to a determination of the applicant's moral character.

Prior to a client's appearance before the agency or judge, review the legal requirements and discuss how the evidence to be presented establishes that the client meets the requirements. Discuss the challenges the client's case might face. Explain in detail what the hearing will be like and conduct a mock interview or hearing. If the case involves witnesses, have them participate in the mock hearing as well. Encourage your client to use this new expertise to help others in his community or in similar circumstances.

As in all ILRC manuals, these chapters include examples of specific topics described in the text so that legal workers can more easily see how putting these suggestions into practice will work.

### 3. Materials that Facilitate Partnerships with Clients

As noted above, the ILRC developed its approaches to working collaboratively with clients primarily while working with clients in the law school clinical setting. In that context, the value of providing clients with handouts and other materials that explain clearly and accessibly the relevant law, procedures, advantages, and risks, and other important aspects of working on their cases became evident. Clients can use the materials to remind themselves of issues discussed in their interviews with legal workers, and to help explain the issues to family members, other allies, and supporters who may submit letters or other important documents. The materials also are used to educate others who might benefit from the information.<sup>72</sup>

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72. Some of these handouts include: "to do" lists for clients that include items that must be prepared or obtained for their case, along with note-taking space for additional items to address that the client and legal worker identify; checklists of documents needed for particular applications; one-page descriptions of the requirements and procedures for many forms of immigration relief, such as asylum, conditional residency, cancellation of removal, family unity status, family-based immigrant visas, naturalization, special immigrant juvenile status, "U" visas for crime victims and witnesses, and VAWA; photocopied and translated versions of application forms to assist applicants to complete in draft form; one-page descriptions of public benefits availability for immigrants who receive certain immigration relief such as family unity and VAWA; one-page descriptions of specific immigration problems clients may face, including descriptions of the grounds of removal (deportation) and inadmissibility, the issue of abandonment of lawful permanent resident status, and the consequences of criminal convictions; instructions for filing a request for government documents under the Freedom of Information Act, 5 U.S.C. § 552 (2006) (amended 2007); step by step instructions, with model request letters, for obtaining many documents, such as police clearance letters, court records, and declarations about hardship or good moral character; instructions for obtaining and reading

In addition to handouts included with each substantive manual, the ILRC has produced packets specifically written to help applicants for naturalization and VAWA to assist in gathering required supporting documentation. The VAWA document gathering guide includes explanations of the somewhat confusing VAWA provision on documentation needed by government agencies.<sup>73</sup>

#### 4. Group Processing Model

The ILRC promotes a “group processing” model of service for individuals who may be eligible for an immigration benefit such as naturalization or immigration through a relative. The model has five goals in the process of teaching immigrants about certain immigration benefits. The first community education step seeks to empower immigrants by providing information that demystifies legal provisions that can provide security and stability. Second, the model seeks to build confidence that enhances the development of civic participation skills by working with applicants to analyze, make decisions, gather documents, and complete immigration forms. Third, because detailed explanations of legal requirements and potential risks are critical for every case, group processing workshops focus on minimizing the risks for applicants. Fourth, the model is an efficient means of providing certain immigration services, that helps more individuals in a shorter period of time. Fifth, group processing workshops are ideal forums for leaders and other advocates from the community to develop knowledge and leadership skills to serve the community.

The group processing model involves at least two sessions held in a convenient place in the community. The information session covers the benefits of a particular immigration provision, its requirements, the potential risks, and the application procedures. Applicants are instructed to try to complete draft application forms and to gather required documents before the second session. At the second session,

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the State Department visa bulletin for understanding waiting lists and determining when an immigrant visa application may be processed.

73. IMMIGRANT LEGAL RES. CTR., *THE VAWA MANUAL: IMMIGRATION RELIEF FOR ABUSED IMMIGRANTS* (2002).

all the applicants and a legal worker participate in a group discussion of difficult or potentially risky parts of the application. Applicants complete actual application forms, legal workers review the applications for potential problems, supporting documents are checked, and applicants copy and mail in the applications. The naturalization group processing model also includes a third workshop in which applicants practice their USCIS naturalization interviews.

ILRC attorneys have presented countless group processing workshops that have facilitated the filings of hundreds of Family Unity, family-based immigrant visas, and naturalization forms. Based on these experiences and the related experience of several other CBOs, the ILRC developed three step-by-step manuals to assist immigrant service organizations to provide group processing in their communities. Several hundred such manuals have been distributed and dozens of organizations have conducted successful group processing programs.

#### *D. Advocacy and Outreach Through Media*

It is one thing to paint, as the nativist demagogues do in lurid colors, a picture of a lumpen mass of alien hordes breaking down barriers at the border and bringing down all that is good and pure about American culture and society. It is quite another thing to fix the 8-year old face of Ana Rivera to the otherwise faceless crowd in that mythical portrait of doom.<sup>74</sup>

All Lizbeth Sanchez wanted was to be an American citizen, and when the [immigrant officials] called her in for an interview earlier this month, she thought she was finally getting her wish—until she was handcuffed and arrested in front of her stunned husband and sobbing 8-year-old daughter, both of whom are American citizens.<sup>75</sup>

Print and broadcast media have the power to overcome the abstract view of immigrants that many Americans hold and to

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74. Editorial, THE FRESNO BEE, Sept. 27, 1996, at 6A.

75. Anastasia Hendrix, *An INS Mistake, a Mother Deported: Woman Sent to Guatemala After Missing Hearing*, S.F. CHRON., July 27, 2002, at A1.



demonstrate how immigration policy can hurt individuals and families about whom we should all care. With that potential in mind, the ILRC has honed an expertise in media outreach and media presentations. Concomitantly, the ILRC has developed strong relationships with media outlets and used those contacts regularly to dramatize how some immigration policies and procedures cause undue harm.

The ILRC helps immigrants and advocates get immigrants' stories and issues into media outlets in a wide variety of ways, including: working in partnership with service organizations and communities advocating for individuals whose cases reflect harmful immigration policies; working on its own or with immigrant-led organizations to publicize and humanize negative effects of existing or proposed policies, or to provide outreach about beneficial provisions; and providing detailed guidance on media work in manuals and trainings.

#### 1. Publicizing and Humanizing Individual Cases

Bringing sympathetic cases to the attention of the general public has the potential of putting community pressure on individual judges or Department of Homeland Security ("DHS") officials to render favorable decisions in such cases. The publicity also can highlight the need for changing a particular policy. The ILRC helped immigrants and advocates bring the following case examples to the attention of local mainstream and ethnic media.

The immigration court handling her asylum case failed to inform Lizbeth Sanchez of her correct court date. When she did not appear, the court ordered her deported in absentia.<sup>76</sup> At about the same time, her U.S. citizen husband filed paperwork seeking permanent resident status for Lizbeth. When she went with her husband and eight-year-old daughter to Immigration and Nationalization Service ("INS") to be interviewed for her green card, Lizbeth was handcuffed, taken into custody, and deported. Under harsh rules adopted in 1996 that affect those who have been in the United States without documentation, Lizbeth would not be able to reenter the United States for ten years

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76. *Id.*

and her case was not reviewable by an immigration judge.<sup>77</sup> The ILRC helped Lizbeth's husband and daughter publicize their story in hopes of expediting Lizbeth's return and to publicize the terrible consequences of get-tough immigration policies and a system in which immigrants bear the brunt of government mistakes.<sup>78</sup> As a result of the widespread publicity and pressure, Lizbeth's waiver of inadmissibility was expedited and she was able to rejoin her family.

Pressured by publicity generated by the ILRC, the citizenship swearing-in ceremony for Becir Gasi was expedited so that the immigration petition for his pregnant wife, Maria Orellana, could be processed before she was required to leave the United States. Orellana fled civil war in El Salvador in 1990, one of hundreds of thousands of refugees from the civil wars that ravaged Central America in the 1980s and early 1990s. NACARA<sup>79</sup> made all Nicaragan refugees of these wars eligible for permanent resident status in the United States, but sharply limited that benefit for refugees like Orellana from El Salvador or Guatemala. Orellana's case dramatized the need for proposed legislation supported by the ILRC that would equalize treatment of all Central American refugees.<sup>80</sup>

The tragedy of the beating death of Hien Nguyen was magnified for his children because 1996 amendments to the immigration laws (Illegal Immigrant Reform and Immigrant Responsibility Act of 1996 ("IIRIRA")) required him, as the sponsor of their immigrant petitions, to be alive to support them.<sup>81</sup> Nguyen was the sponsor for his teenage son's immigration application, and the boy's chances of getting into the United States may have died with his father. Federal law is contradictory: one long-standing regulation allows for humanitarian exceptions when the sponsor dies, while a newer law made such exceptions virtually impossible by mandating that the

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77. *Id.*

78. *Id.*

79. Pub. L. No. 105-100, 111 Stat. 2160, 2193 (codified as amended in scattered sections of 8 U.S.C.).

80. *Deportation Delayed for Pregnant Woman*, WEST COUNTY TIMES (CONTRA COSTA TIMES), Feb. 5, 2000, at A9.

81. Jaxon Van Derbeken, *Beating Death of Patriarch Shatters Family's Dream*, S.F. CHRON., Sept. 19, 2000, at A1.

(now-deceased) sponsor prove he can support the applicant.<sup>82</sup> The ILRC helped the family bring the inequities of the situation to the attention of the media and local members of Congress.<sup>83</sup>

Farmworker Lucia Rivera gained legal status in 1988 through the legalization provisions of IRCA.<sup>84</sup> But she was unable to obtain legal status for her daughter Ana, born four months after the cut-off date for families of immigrants who legalized under IRCA. When Ana was two, the immigration officials arrested her after returning to the United States from a visit to her grandmother in Mexico. Lucia filed a petition to legalize Ana's status, but as Ana's final hearing approached, a law was proposed that would prevent low-income people from petitioning for their relatives.<sup>85</sup> The ILRC asked the judge in Ana's case to make his decision before the law took effect; he agreed and granted Ana permanent residency at the hearing on her eighth birthday.<sup>86</sup> Publicity on this compelling case helped convince Congress to ease the income requirements for those who sponsor their relatives for immigration. Although the 1996 law makes it difficult for farmworkers and other working poor immigrants to reunite with family members, the hurdles would have been worse without modifications resulting from publicity in cases like the Rivera's.

The children of the Morales family of Fresno were in deportation proceedings because they entered the United States too late to qualify for a Family Unity program. The ILRC helped a Fresno community group, Equal Rights Congress, prepare and present several press conferences that resulted in widespread, sympathetic concern for the Morales children. Media coverage at the deportation hearings was

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82. *Id.* Hien Nguyen's life had been scarred by war. He served in the South Vietnamese military until 1975. After the last Americans left and North Vietnam won the war, Nguyen was forcibly resettled along with his family and became a farmer. The family tried many times to leave the country, but could not. By the time Hien Nguyen and his wife got permission to leave Vietnam, the government there no longer allowed children to come with their parents automatically. The couple arrived in the Bay Area in June 1995. The petition for his youngest son, Loi Quoc, was pending when Hien Nguyen was killed.

83. *Id.*

84. *See supra* note 1.

85. *Id.*

86. Don Knapp, *Illegal Immigrant Child of Legal Immigrant Not Deported*, on THIS WORLD TODAY (CNN television broadcast Sept. 27, 1996).

especially strong, and great support for the family was generated. A San Francisco radio station ran an editorial requesting that the INS District Director permit the children to stay.<sup>87</sup> Eventually, officials reversed their position and granted the children extended permission to stay in the country.<sup>88</sup> Publicity from their case and others like it eventually helped to create the more generous Family Unity policy.

## 2. Advocating for Immigrant-Friendly Policies

The ILRC also looks for opportunities to bring policy-related stories to the media that are not necessarily rooted in a deportation or urgent circumstance. When individuals who have an important policy-related story to tell are identified in community meetings, informal contacts, or referrals, the ILRC will help get their voices heard; the goal is to help mainstream Americans understand immigrant-related policies from a human perspective.

The ILRC helped Alfonso and Leticia Acevedo explain to reporters how they would face up to ten years of separation if Congress did not renew INA § 245(i) to permit immigrants like Leticia to complete their immigration process in the United States to avoid a multi-year bar to legal re-entry if she were forced to depart.<sup>89</sup> The couple told reporters that they would be forced to take their two U.S. citizen children out of school so they could go back to Mexico with their mother, while their father continued working to support the family. “The children can’t accept the idea of their mother leaving and their father staying in the U.S.,” explained Leticia.<sup>90</sup> Due to pressure generated by news reports, petition drives and delegations to congressional offices, INA § 245(i) was briefly renewed in 1997.<sup>91</sup>

In 2002, the ILRC helped undocumented immigrant students plan and present a press conference urging the Regents of the University

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87. See Interview with Mark Silverman, *supra* note 65.

88. *Id.*

89. Emily Gurnon, *INS Rule Change Puts Immigrants on Edge*, S.F. EXAMINER, Sept. 26, 1997, at A, available at <http://www.sfgate.info/cgi-bin/article.cgi?f=/e/a/1997/09/26/NEWS12832.dtl&hw=previously&sn=1479&sc=406>.

90. *Id.*

91. Carl Shusterman, *Section 245(i)=An Immigrant’s Guide*, IMMIGRANT’S WEEKLY, <http://www.ilw.com/articles/2007,1210-shusterman.shtm> (last visited Sept. 1, 2008).

of California to adopt a policy that mirrored the state's new legislation providing for in-state tuition rates for California-educated undocumented students. Bay Area newspapers and broadcast media covered the press conference. The students spoke eloquently about their work ethic in high school and hopes of attending the prestigious university system. They also spoke of their concern that their families could not afford the out-of-state fees if the policy remained the same. The Regents voted to adopt the new policy.<sup>92</sup>

### 3. Publicizing Beneficial Immigration Policies

Print and broadcast media provide opportunities to publicize immigration provisions that are positive or beneficial to the community as well. The ILRC has developed a very close relationship with many ethnic media sources, which are particularly good for this purpose because of their accessibility to immigrants. Several Spanish-language and Chinese-language television and radio stations routinely call on ILRC attorneys and board members to help with reporting on immigration-related policies. The ILRC also regularly holds press conferences to publicize countless issues.<sup>93</sup>

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92. See UC Newsroom, University of California, AB 540-UC Tuition Exemption Questions and Answers (Jan. 17, 2002), <http://www.universityofcalifornia.edu/news/article/9722> (last visited Sept. 1, 2008); *supra* note 2.

93. Some examples include:

*The Census.* Immigrants should answer questions from Census takers. The Census does not report confidential information to other government agencies, so undocumented immigrants face no risk in participating. At the same time, cities and counties whose immigrant and low-income populations are counted accurately are eligible for more government funding. See Wade Henderson & Llewellyn H. Rockwell, Jr., Symposium: Insight on the News (Apr. 17, 2000), [http://findarticles.com/p/articles/mi\\_m1571/is\\_14\\_16/ai\\_61892255](http://findarticles.com/p/articles/mi_m1571/is_14_16/ai_61892255) (last visited Sept. 1, 2008).

*Domestic violence.* Immigrant service providers in various counties will provide free consultations and services to immigrants who have suffered domestic abuse.

*Naturalization.* Naturalization provides immigrants with the power to vote and unite their families. Free or low cost naturalization assistance is available throughout northern California to help immigrants apply after a risk assessment is made.

*Naturalization backlogs.* The ILRC held numerous press conferences to publicize the positive work the USCIS did at one time to reduce the backlog of naturalization cases. The USCIS can be an ally on many important matters to immigrant communities, so the ILRC will publicly praise the USCIS when it does a good job, but will also criticize its job if improvement is needed.

#### 4. Providing Guidance

The ILRC shares its media experience with immigrant service organizations and advocates by partnering with them to develop media campaigns and present press conferences. In fact, most of the examples of media coverage discussed in this section resulted from such partnerships.

In these partnerships, the ILRC provides training on: researching various types of media and determining which cases and issues are appropriate to publicize; determining the best time and place to attract media to an event or press conference; contacting and cultivating relationships with reporters; strategizing on who should speak on each point and helping that person plan and deliver a clear, concise message.

The ILRC provides sessions on working with media in its broader trainings, such as the National Paralegal Training program, immigrant leadership trainings, and VAWA trainings. Two ILRC manuals also guide media work by immigrant advocates. The *Immigrant Leadership Training Curriculum* includes a unit that facilitates discussions by potential immigrant leaders on the value of getting media coverage of cases and issues.<sup>94</sup> The discussion of building community support in *A Guide for Immigration Advocates* urges advocates to bring important community issues, including individual cases, to the media.<sup>95</sup> Advocates are urged not to overuse the strategy by using cases with little potential impact or human interest in order to maintain strong and credible ties with reporters.<sup>96</sup>

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94. See *supra* text accompanying note 45.

95. IMMIGRATION LEGAL RES. CTR., *A GUIDE FOR IMMIGRATION ADVOCATES* 20–17 (2005).

96. Organizations are encouraged to consider the following guidelines: Does the client want her case publicized? What concerns does she have and how can they be addressed if the case is publicized? Is the client's situation one with which the general public will be sympathetic? If not, will a specific community be sympathetic, can that specific community uniquely be targeted, and can that community's concern make a difference? Is there a "hook" that will attract media attention, for example a particularly sympathetic person or a similar local story? Will publicity get the desired result? For example, if the desired result is to affect the outcome of a particular case, how will the relevant decision-maker be reached by the publicity? Does the case dramatize broader issues that are important to present to public?

### *E. Concentrated Capacity Building with Partner Organizations*

The ILRC believes that responsive local organizations are an important foundation for the civic influence of immigrant communities. Building the service and advocacy capacity of established organizations is a major goal of the ILRC's work in the areas of training and support on substantive immigration practice, community advocacy, and leadership development. The ILRC also has worked extensively with immigrants to build and develop new grassroots organizations. For many of these organizations, the ILRC helped to start the organizations, support them at early stages, and eventually assist them to become independent in terms of administration, fundraising, and staffing. The goal is to help the CBO become more independent while serving a vital and previously unmet community need. As part of the process, the ILRC learns about the community's needs and concerns from the leaders and community members with whom they are engaged. The following are examples of this partnership work.

#### 1. Centro Bilingue

For more than twenty years, the ILRC has worked closely with Centro Bilingue, a grassroots immigrant-led advice and referral agency in the small community of East Palo Alto, California. Beginning with legalization under IRCA, the ILRC helped Centro Bilingue develop and present community education meetings on general immigration provisions and focused sessions on family visas and naturalization. The group processing models for family visa and naturalization applications were developed and refined with Centro Bilingue.<sup>97</sup> Working with the organization's steering committee, the ILRC created the Immigrant Leadership Training series.<sup>98</sup> The ILRC also has provided ongoing support to Centro Bilingue's organizational development, including fiscal sponsorship, board development, fundraising and fundraising capacity building, volunteer capacity building, and personnel policies.

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97. See *supra* Part III.B.1.iii.

98. See *supra* text accompanying note 45.

Between 1994 and 1997, the ILRC and Centro Bilingue successfully trained three groups of dedicated immigrant volunteers from the Redwood City and East Palo Alto communities in a variety of leadership skills.<sup>99</sup> After participating in the training, the leaders were extremely enthusiastic about continuing their activities. They each developed a plan on how they would continue to be leaders in their communities, be involved in outreach, and volunteer for important activities such as Redwood City 2000, a planning committee formed to help influence the future of the city. After completing the trainings, the leaders had more confidence and felt much more comfortable conducting community presentations; their natural leadership skills emerged. The leaders then went into the community and practiced their new skills by leading or participating in over 170 community events, reaching nearly 2,700 people.<sup>100</sup>

In addition to conducting workshops, the leaders became recognized in their communities as troubleshooters on various issues that affect immigrants in East Palo Alto and surrounding communities. Their skills improved to the degree that many have become experts in naturalization and in assisting others on civic projects.<sup>101</sup>

The student-centered pedagogy of these leadership trainings was highly interactive. The experiential training included these types of elements: exercises in which the participants practiced public speaking, running meetings, writing responses to editorials, advocating on behalf of their communities, holding press conferences, and generally

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99. The training included: helping people apply for naturalization; public speaking; holding press conferences; conducting outreach; running meetings; combating anti-immigrant myths; teaching people about their civic rights and responsibilities; educating their communities about the importance of learning English and the availability of ESL classes; understanding and interacting with city councils, commissions, school boards and other institutions.

100. For example, many of the leaders attended city council and commission meetings and worked specifically on the issue of increasing the accessibility of youth services in East Palo Alto.

101. One leader taught ESL, another helped organize classes to teach people literacy skills, another taught catechism classes at her church, and another became a resource for the site council at a local high school regarding issues affecting Latinos. Two of the leaders went on to become board members of Centro Bilingue, and nearly all the leaders contributed significantly to Centro's activities as volunteers by helping with citizenship drives and completing green card applications. Some of the women who were among those trained opened up a small business that provided party goods and services to the residents of East Palo Alto and eastern Menlo Park, two cities with limited services and businesses in the city limits. A group of leaders met with East Palo Alto City employees about issues involving safety and youth. Other leaders met with politicians, including their congressional representative, on issues important to the local immigrant community.



working with the media; group discussions on various issues including the importance of naturalization, civic participation, and combating anti-immigrant myths; roleplays and demonstrations that gave participants the opportunity to see good and bad examples of leadership; and critiques and evaluations by all participants of each other's performances to improve and enhance learning.

The trainings were conducted in a manner that modeled the use of participatory learning techniques when conducting civic engagement activities. The idea of training communities to be self-sufficient was stressed constantly. Thus, when the leaders conducted their own outreach activities, they did more than provide important information. They also demonstrated to their communities that community members have the capacity and skills to educate one another about issues, plan and lead meetings, and make public presentations.

The first two trainings were for individuals who had not previously received leadership training. The third training was an advanced program designed to continue working with the leaders who were trained during the first two years of the project. Advanced topics covered in the third training included civic participation, naturalization, public speaking, combating anti-immigrant myths, and teaching leadership skills to others in the community.

A major focus of the advanced training was to provide in-depth training on civic participation. The training concentrated on making presentations to local city councils and boards on issues affecting immigrants. Trainees had to learn how to channel issues to the appropriate city and county government committees, while following the appropriate local government procedures. The leaders attended city council, committee, and county board meetings to observe and develop strategies for approaching those institutions.

A second focus of the advanced training project was the development of CAPs on various issues that the leaders identified as being important to their community. CAPs entail small group advocacy work on issues of special significance to local immigrant communities. The leaders chose to work on particular projects, developing strategies, formulating plans of action, and implementing those plans with the other members of their small groups. Because the advanced leaders had already received training on some of these subjects, this program was more detailed and more practice-oriented than earlier trainings. The

CAPs allowed the advanced leaders more opportunity to gain confidence in their skills and become more successful leaders.

A third focus of the advanced training was to train the leaders to teach leadership skills in their communities. The advanced leaders attended training on how to train others, then participated as co-trainers in the training of new leaders. This design not only allowed the advanced leaders the opportunity to teach the skills they learned, it also provided the opportunity for them to serve as role models for the new group of leaders, further enhancing their skills, confidence, and commitment.

As part of the leadership training program, the newly trained leaders and the advanced leaders designed plans to educate their communities on the issues covered in the trainings. Each leader was responsible for organizing and leading several outreach meetings once the initial series of trainings was complete. Usually a pair of leaders led each of these outreach events and a staff person helped with some of the organization details and attended the event. They ranged from meetings with immigrant parents about a school issue and a subsequent presentation at the school board to meetings with a church group about the benefits of naturalization and organizing a naturalization workshop for those interested in becoming citizens. As part of the outreach program, many of the leaders were involved with various CAPs including Redwood City 2000, community policing and safety issues, youth issues, and school issues.

## 2. Mujeres Unidas y Activas<sup>102</sup>

Mujeres Unidas y Activas (“MUA”) is a grassroots organization of Latina immigrant women with a dual mission of personal transformation and community power. Creating an environment of understanding and confidentiality, MUA empowers and educates its members through mutual support and training to be leaders in their own lives and in the community. Working with diverse allies, MUA promotes unity and civic-political participation to achieve social justice. MUA is one of the few programs founded on the concept that immigrant women themselves are uniquely equipped to find solutions

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102. Mujeres Unidas y Activas, <http://www.mujeresunidas.net/> (last visited Sept. 1, 2008).

to the problems that most directly affect their lives. While recognizing the formidable problems faced by Latina immigrant women, MUA draws on the strengths of these same women as peer mentors, group facilitators, community educators, and organizers. With this philosophy in mind, MUA adopts a multi-layered program approach to Latina immigrant empowerment, leadership, and activism.

The ILRC has established a strong working relationship with MUA, helping with staff and volunteer training and assisting in program planning. In 1992 and 1994, the ILRC trained the leaders on how to educate immigrants on their rights and how to conduct outreach and information sessions to the public on important issues such as naturalization. The bulk of the training involved practicing how to convey information to others, including how to organize a meeting and how to lead a discussion. With that training, the women coordinated dozens of meetings throughout the Bay Area. The participants from the MUA trainings remain active and involved members of the group, and continue working as leaders in the community. They hold press conferences on immigration topics, conduct meetings, and engage in community outreach and education efforts.

### 3. Padres Unidos

The ILRC helped organize Padres in San Francisco, a volunteer group of parents who obtained legal status through IRCA's legalization provisions (amnesty) in 1987 and 1988. The group was originally formed to support their children who had not qualified for legalization. The ILRC's work with Padres Unidos and other immigrant-based organizations helped to improve the federal Family Unity policy. This led to ongoing community education and advocacy efforts, primarily focused on improving family-based immigration policy. Padres is a frequent co-sponsor with the ILRC on a range of immigration policy issues. The ILRC is Padres' fiscal agent and has helped Padres develop a strategic plan. A key member of Padres also serves on the ILRC board.

Some of Padres' work with the ILRC includes outreach on public policies to the larger Latino immigrant community and coordination

of its activities with other immigrant rights groups in an effort to influence public policies. These activities include meetings with elected representatives, press conferences, information meetings for the larger immigrant community, and the formation of coalitions with other immigrant rights' groups. An ILRC staff attorney provides training and mentoring to the core membership of Padres. Most of the training has centered around how to conduct media work, outreach to other immigrants about issues important to their communities, public speaking, and advocacy work with decision-makers. Much of the training occurs during monthly meetings.

Padres core membership ranges from twenty to forty individuals. Up to eighty individuals may attend informational meetings, depending on the issue under discussion. The membership is drawn primarily from San Francisco's Latino community, but individuals from other cities throughout the Bay Area often attend. While the Latino community in San Francisco is roughly divided between Mexicans and Central Americans, most of the core members and leaders are Mexican.

Padres' members come from different countries, educational backgrounds, and class. However, these differences are not significant to those who attend because, as immigrants, most Padres members find themselves starting at the bottom of the working class and economic ladder. Consequently, cross-class social relations that might have been more difficult to develop in their countries of origin form more easily in the United States. The group's leadership is primarily middle-age women and a newer group of young educated women and men from Mexico.

Padres members have developed important political skills. Leadership development has been a function of individual initiative and involvement in the organization's activities. However, mastering grassroots politics and actions has evolved over the years through experience. Working relationships with other immigrant groups have been established, resulting in joint planning of press conferences, the circulation and collection of petitions, and meetings with public leaders and policy-makers. Linkages to local Spanish-speaking media have been formed, although the ability to leverage English-speaking media remains limited.

Involvement in Padres gives its active members the benefit of individual skill development in communications, leadership, confidence, and personal growth. Some members use these skills to establish an important role in their children's schools. Those who are eligible become citizens and tend to vote more frequently than native-born citizens. Volunteers are recruited and assigned responsibility for certain tasks involved in the planning and implementation of community actions. The ILRC also recruited a trainer with the Chicago-based Industrial Areas Foundation ("IAF")<sup>103</sup> to formalize leadership training.

Despite its relatively small membership, the organization has become known for its ability to galvanize attention and involvement among newcomers on public policy issues. While the organization was inspired by the need for information among immigrant groups, a growing number of individuals are drawn to Padres by the membership's community initiatives and expanding role within the Bay Area immigrant rights community. For immigrants who frequently lack an institutional vehicle to act on issues important to them, Padres is a strategic entry point for newcomers wishing to become involved in civic affairs.<sup>104</sup>

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103. IAF leaders and organizers offer training opportunities for those with the "patience and vision to create new political realities and the passion and discipline needed to generate sustained social change." See Industrial Areas Foundation, What Do We Do?, <http://www.industrialareasfoundation.org/iafabout/aboutwhat.htm> (last visited Sept. 1, 2008).

104. The following are examples of some of the ways that Padres has been successful in leadership training and civic engagement projects.

During the late 1980s and early 1990s, Padres organized immigrant educational campaigns targeted at politicians. They used press and letter-writing and petition campaigns in the immigrant community to address problems related to the legalization program of 1986. That program had created an unfair situation for immigrants by granting legal status only to certain family members and not others, resulting in the separation of families. As a result of these efforts and the work of others across the country, the INS promulgated a family fairness regulation allowing certain individuals who did not qualify for legalization to remain with their family members who did qualify. A few years after this regulation, Congress passed the family unity law that expanded and codified the family fairness regulation. See *INS Issues Interim Rules Modifying Family Unity Procedures*, 14 IMMIGRANTS' RIGHTS UPDATE (Nat'l Immigr. L. Center, L.A., Cal.), Aug. 31, 2000, <http://www.nilc.org/immlawpolicy/obtainlpr/oblpr033.htm> (last visited Sept. 1, 2008).

From 1997 through 2001, Padres volunteers were instrumental in the campaign to reduce the separation of families by extending INA § 245(i). Section 245(i) permits persons to complete the process of obtaining permanent residence in the United States instead of having to return to their country of origin for a visa interview at the U.S. consulate. 8 U.S.C. § 1255(i)

#### 4. Sacramento Valley Organizing Committee

SVOC is a parish-based organizing committee affiliated with the Industrial Areas Foundation. Many of its lay leaders urged SVOC to get involved in organizing around immigration issues. The ILRC has helped SVOC build its capacity to organize in the Sacramento area immigrant community by training its leaders in naturalization issues, providing training and updates on immigration policy, partnering in community meetings, and working on several grassroots campaigns. In working with SVOC to build organizing capacity in the immigrant community, the ILRC identified several key ingredients.

At several stages, listening to the input of immigrant representatives, grassroots leaders, was critical. A first step was taken when SVOC's largely Latino immigrant parish members expressed deep concern about immigration status and the need to protect and

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(2000). Without the ability to finalize the process in the United States, applicants who have been undocumented would have to leave the country and be subject to a three or ten-year bar from returning. *See Visa Spotlight: The Three and Ten-Year Re-Entry Bars*, SISKIND'S IMMIGRATION BULLETIN, <http://www.visalaw.com/98may/27may98.html> (last visited Sept. 1, 2008). Padres was instrumental in the successful efforts to extend the deadline for § 245(i) from September 1997 to January 1998, avoiding the separation of tens of thousands of families. Specifically, Padres helped draft petitions for people to sign endorsing the extension of the § 245(i) program, collected signatures for the petitions, and collected the petitions that other grassroots organizations throughout California gathered. Padres sent the petitions, which had over 35,000 signatures, to key congressional representatives. In 2001, Padres volunteers were active in a debate to further extend § 245(i).

Since the 1990s, Padres volunteers and its one part-time staff person conduct media work and outreach to Spanish-speaking immigrant communities about various issues of interest.

In 2001, Padres and the Industrial Areas Foundation affiliate (Bay Area Organizing Committee) worked to protect the employment of hundreds of lawful permanent resident airport screeners in light of legislation requiring airport screeners to be U.S. citizens. *See Steven Greenhouse, A Nation Challenged: Airport Security; Groups Seek to Lift Ban on Foreign Screeners*, N.Y. TIMES, Dec. 12, 2001, available at <http://query.nytimes.com/gst/fullpage.html?res=9504E506143FF931A25751C1A9679C8B63>. The relationships developed over the years with officials in the San Francisco office of DHS and Padres' experience dealing with the agency proved to be a valuable in convincing officials to expedite the naturalization process for those screeners who were eligible.

In 2002, Padres co-coordinator and leader Guadalupe Ortiz was interviewed on PBS's *The News Hour* with Jim Lehrer about the impact of the 9/11 attacks on immigrants in the United States. *See PBS, Online News Hour, Tightening the Borders*, [http://www.pbs.org/newshour/bb/law/jan-june02/immigration\\_1-01.html](http://www.pbs.org/newshour/bb/law/jan-june02/immigration_1-01.html) (last visited Sept. 1, 2008). In 2001, Padres spearheaded a religious service memorializing the victims of 9/11 that involved other immigrant rights group. This action symbolized Padres' solidarity with the broader mainstream community and its desire to receive wider recognition in the community's civic affairs.

facilitate the unity of families. The second step was the SVOC response to those concerns, recognizing the seeds for grassroots leadership. Part of that response was when an SVOC organizer and a parish leader sought technical assistance on immigration information from the ILRC to discuss and start developing a plan of action. SVOC organizers also recognized that an important aspect of their role was to regularly identify and increase the number of immigrant leaders in order to expand input and involvement.

The SVOC organizer and the parish leaders decided to host their first community meeting at a church in Sacramento. Many of SVOC's community leaders attended. The organizer, the leaders, and an ILRC attorney agreed to implement a two-part approach for the meeting: (1) presentations by leaders, a priest, and attorneys about the importance of civic participation in changing immigration policies that affect families; and (2) individual legal consultations with attorneys after the meeting. The ILRC developed the basic format and approach for the meetings from its experience in conducting dozens of similar meetings in rural parts of California. The meeting was well received by those attending.

Subsequent SVOC meetings used the same organization and format. The meetings drew large crowds of immigrants from Central Valley communities, including many individuals who were willing to come forward with their private stories in this setting. The use of humor and roleplays were incorporated and the audience responded well. The speakers included parish leaders, attorneys, and other invited guests. In the spirit of capacity building and leadership, at many of the later meetings, the SVOC organizer stepped back and did not speak.

Inspirational speeches from the SVOC organizer (at initial meetings) and community leaders set a positive tone early in the campaign. In heartfelt presentations, the speakers urged their immigrant neighbors to explore their options and not to live in fear as they struggled to make new lives in the United States. The speakers encouraged newcomers to speak out on how immigrants and their families often are mistreated by government agency officials or others. The presenters also encouraged participants to learn English, to integrate into the local communities, and to take active roles in their own futures. Leaders invited participants to join parish-based

immigration committees, whose aim was to influence local and national immigration policy and to expand affordable immigration legal services. Many participants committed to joining the committees, and follow-up organizing meetings were scheduled.

Other speakers and supporters reinforced the community's ability to urge change. The presentations by attorneys sent the message that everyday people—when acting as an organized force—have the capacity to forge more just immigration policies. The leaders invited local politicians, professionals, and other service providers, calling upon them to support the organizing effort. No one declined.<sup>105</sup>

The ILRC, California Rural Legal Assistance Foundation (“CRLAF”), and other attorneys and law students, whom the ILRC and CRLAF recruited, provided free comprehensive legal consultations following the presentations for each individual or family. The paralegals and law students worked under the supervision of the ILRC, CRLAF, and other experienced attorneys who reviewed the assessment of each case at the end of the interviews. In some instances, immigrants discovered that they were not eligible to immigrate under current laws. In other cases, immigrants gained a better understanding of their immigration situation and could proceed with their plans to settle and improve their lives. Some cases were referred to community agencies and low-cost private attorneys. The ILRC attorney gave each immigrant written summaries of their cases that could be used to assist the immigrants in informing future advocates about the case. The ILRC developed an intake sheet that an inexperienced volunteer can use to prepare a client for the interview with an experienced attorney or other legal worker in order to make the process more efficient.

The legal consultations were publicized prominently in flyers because the practical assistance attracted many participants who would otherwise not attend. As a result, the attendance at the meetings has been impressively high, varying from audiences of a hundred to more than five hundred attendees. While many individuals

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105. For example, a leader requested and received a commitment from a state senator to help obtain a meeting for the group with the local member of Congress. These kinds of immediate achievements provided a source of encouragement and motivation to the participants. They were able to get an audience in the halls of state and federal government.



undoubtedly attend for the free immigration consultation, many are inspired to join the civic participation efforts.

The partnership between an organizing project and immigration legal services organization holds great potential, and this partnership's initial success is cause for optimism. The ILRC has been conducting community information meetings for a number of years with a view toward stimulating civic participation in the immigrant community. At times, the ILRC has been successful in mobilizing immigrants to participate in specific campaigns. The ILRC's limitation, however, is clear: the ILRC staff attorneys are not full-time professional organizers. Thus, partnering with dedicated and trained SVOC organizers has increased ILRC success in expanding civic participation and leadership development substantially.

While the ILRC has benefited from the partnership with the SVOC organizer, SVOC has acknowledged that its success in this area is derived from its partnership with the ILRC as well. In addition to participating in the meetings and the consultations, the ILRC has continued to provide legal advice to SVOC on organizing strategy development, legal training for community leaders, the development of a referral system, and planning for a low-cost immigration service program.<sup>106</sup>

From 2000 to 2002, the ILRC and CRLAF helped SVOC conduct several citizenship projects. One of these projects included a five-week class taught by SVOC's community leaders on U.S. history and civics and the naturalization process. The ILRC trained the leaders on naturalization and provided ongoing consultation on difficult cases. Additionally, the ILRC helped SVOC establish a relationship with the local immigration officials, and several naturalization

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106. Some evidence of this success includes: a follow-up organizing meeting of more than 180 parishioners took place without the draw of immigration consultations; parish-based committees on immigration organizing were formed; three bus loads of individuals traveled from Sacramento to Los Angeles in October 1999, to participate in the AFL-CIO's "town meeting" on immigration. See David Bacon, *The AFL-CIO Reverses Course on Immigration*, Oct. 17, 1999, available at <http://www.hartford-hwp.com/archives/45b/128.html>, Diocesan Latino clergy and other key diocesan department directors have invited ILRC attorneys to speak to their groups; a meeting with local government immigration officials on immigration concerns and possible cooperation on common concerns was arranged; and, the September 17, 2003, SVOC procession and rally on immigration issues attracted a crowd of almost 5,000.

adjudicators were sent to SVOC offices to adjudicate the naturalization applications of SVOC members.

Since the late 1990s, the ILRC has conducted immigration policy presentations and provided individual consultations at dozens of SVOC organized community meetings. These meetings helped to bring thousands of immigrants to SVOC, where they are encouraged to get involved with SVOC's immigration policy campaigns like advocating for extension of INA § 245(i) and a new legalization program.

In 2000 and 2001, the ILRC advised SVOC on effective ways to negotiate with the federal immigration office in Sacramento. That resulted in improvements in the local policy on handling naturalization cases.<sup>107</sup> In the process of gaining these improvements on behalf of naturalization applicants, this experience helped the immigrants and the organization sharpen their negotiation skills. Because the issue was local and discrete, SVOC was able to obtain tangible, timely results that helped to build the confidence and commitment among its members.

##### 5. Northern California Coalition for Immigrant and Refugee Rights and Services

In 1987, on the heels of IRCA, the ILRC helped found the Coalition for Immigrant and Refugee Rights and Services ("the Coalition"). From 1987 to 2001, the Coalition coordinated the advocacy efforts of dozens of immigrant service and advocacy groups in the San Francisco Bay Area. The ILRC provided technical assistance in the areas of budget, staffing, governance, fundraising,

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107. SVOC had been trying to get Susan Curda, the Officer-in-Charge of the Sacramento immigration office, to be more responsive to SVOC's leaders. SVOC wanted Curda to work with its leaders on developing ways to decrease the backlog of naturalization and permanent residence cases in the Sacramento office. Additionally, SVOC wanted Curda to attend a meeting and make promises about helping immigrants who were buried in the backlog. The ILRC spent hours strategizing with SVOC about how they should work with the agency and its main officer. The time and effort paid off; Curda appeared at an October 29, 2000, SVOC organizing action. She responded well to the crowd and made some important promises about reducing naturalization processing times and cases backlogs. The backlogs were eventually cleared. In 2001, Curda told ILRC that the fact that she promised to reduce the backlog to hundreds of SVOC supporters was extra incentive to actually get the job done. The ILRC efforts with SVOC on this effort boosted morale and incentivized SVOC for future efforts.

and legal expertise. The ILRC also served as the Coalition's fiscal agent for many years until the Coalition was able to obtain its own nonprofit corporation status.

#### 6. Central American Resource Center

The ILRC has worked very closely with the Central American Resource Center ("CARECEN"), an organization whose membership and constituency is centered in the Central American community.<sup>108</sup> The ILRC staff assisted in the formation of CARECEN, helped secure funding for the organization through the California State Bar Legal Service Trust Fund, served on its board of directors, and provided organizational support and guidance. Today, CARECEN is an independent, healthy organization with its own staff and stable funding.

#### 7. Central Valley Partners

For more than twelve years, the ILRC has worked with a number of organizations in a partnership of approximately twenty organizations designed to enhance citizenship and civic participation in California's Central Valley. Sponsored by the James Irvine Foundation,<sup>109</sup> the Central Valley Partnership ("CVP") grew to become one of the major forces in the Central Valley. A major objective of the ILRC and the other partners was to develop the capacity to embrace a common vision and work together to further these goals: "The CVP supports Valley communities working together to achieve social and institutional change—change that provides the opportunity for all who reside in the Valley to live in dignity and good health, participate fully in decisions that affect their lives, and assume the rights and responsibilities of citizenship in its broadest sense."<sup>110</sup> In addition, the ILRC viewed the project as a vehicle to increase the self-sustaining capacity for civic participation

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108. CARECEN Central American Resource Center, [www.carecensf.org/](http://www.carecensf.org/) (last visited Sept. 11, 2008).

109. The James Irvine Foundation, <http://www.irvine.org> (last visited Sept. 20, 2008).

110. Central Valley Partnership, <http://www.citizenship.net/index.shtml> (last visited Sept. 11, 2008).

of the groups and individuals involved. As part of this project, the ILRC helped to lead joint organizing projects around efforts such as changing immigration laws, assisting undocumented students in their fight to attend public universities, and urging the issuance of drivers' licenses in California to all drivers regardless of immigration status. The ILRC has trained and encouraged the partners to use many of its approaches to leadership development and community advocacy.<sup>111</sup>

One of the first major collaborative efforts of the CVP was in the Family Unity campaign of 1997. At that time, INA § 245(i) was set to expire at the end of September. Expiration would have had devastating effects on immigrant families, making it impossible for hundreds of thousands of immediate family members of U.S. citizens and legal residents to obtain legal status in this country.

Based on meetings and other contacts with the immigrant community in the winter and spring of 1997, a number of partners were able to identify this issue as one of great concern to immigrant families. They then brought the issue to the other partners, who expressed interest in collaborating in organizing the community to prevent the separation of families. The goal was to convince policy-makers to extend § 245(i).

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111. Some of the work the ILRC has done with the CVP partners includes: serving as a "general counsel" to all the partners, responding to hundreds of requests for technical assistance on immigration and naturalization law issues and civic participation matters, researching legal issues relating to the partners' work, providing organizing, community action and educational assistance on the legislative process, and advocating for many clients of the member organizations; training partners on community outreach, education and advocacy through media, preparing press packets on several issues including INA § 245(i), and planning and presenting press conferences; urging immigration officials to be more customer friendly; helping partners understand and evaluate immigration issues for potential collaborative campaigns by leading discussions on working to advocate for a new legalization program; assisting partners and other CBOs to advocate on statewide issues that affect immigrants in the central valley, including immigrant access to California drivers' licenses and in-state tuition in California colleges and universities; working with partners to create ways in which volunteers and clients could become more involved in organizational decision-making, activities, and advocacy efforts; working to enhance civic participation and leadership development in immigrant communities by working on community education, organizing and civic participation campaigns, and other issues the partnership identified as important; and developing a Family Unification Project, that included providing legal and political analysis and coordinating partners' networking on civic participation, community education, organizing expertise and planning, and strives to educate members of the community on separation of family issues that are of utmost importance to immigrants in the central valley as well as in other parts of the country.

A series of strategies proved successful. With the help of the ILRC, partners held periodic planning conference calls then a strategy meeting at the September 1997 CVP meeting. The partners and lawyers from ILRC and CRLAF helped to launch a petition campaign that was extremely successful, gathering some 40,000 signatures statewide; 15,000 were from the Tulare County area of the San Joaquin Valley alone. One partner, Proyecto Campesino, organized a farmworker delegation to Washington, D.C., to deliver the petitions. Proyecto raised money through donations and food sales to finance the delegation. The delegation reached the doors of many congressional offices to communicate their concerns. Finally, in November 1997, Congress enacted an extension of the law that helped approximately 900,000 individuals become lawful residents.<sup>112</sup>

This was a transformative experience for everyone concerned. The community leaders and the attorneys learned to appreciate each other's capabilities, as they began to understand their work. As ILRC Staff Attorney Mark Silverman put it, "Collaboration with leaders and organizers has enriched our own experience by being able to deepen our understanding that immigration law can be changed by organized immigrants themselves. Similarly, community leaders have gained more knowledge about immigration law and what a lawyer can and cannot do. Together we were able to develop an effective strategy of change in the area of immigration."<sup>113</sup>

After passage of the § 245(i) extension, the CVP set about providing community education and service to those individuals who could benefit from the law. CVP member SVOC designed a meeting campaign and assemblies, and the ILRC drafted an eligibility screening intake sheet. The ILRC, CRLAF, and SVOC refined the worksheet as the campaign progressed. The campaign reached thousands of individuals who were eligible for the benefits and simultaneously strengthened the immigration organizing campaign of SVOC. The worksheet approach was shared with other CVP partners as well as with practitioners throughout the state. The ILRC took on several roles in the § 245(i) informational campaign, including:

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112. Shusterman, *supra* note 91.

113. Interview with Mark Silverman, *supra* note 36.

training leaders;<sup>114</sup> review of the worksheet by the attorney;<sup>115</sup> follow-up assemblies;<sup>116</sup> and working with the SVOC organizer to formulate (and modify) the strategy for the campaign.<sup>117</sup>

On the heels of the § 245(i) experience, the ILRC and CRLAF helped SVOC design and conduct a citizenship project that includes a five-week curriculum that covers history and civics, and assists applicants with the naturalization process. These programs continue today. Each citizenship class includes community leaders who teach the classes. The ILRC conducts naturalization trainings for these leaders and copies of citizenship materials. The ILRC also provides ongoing consultation on difficult cases. CRLAF's legal staff conducts the training for the volunteers on how to do final review of all the naturalization applications submitted to the USCIS to minimize potential problems that the agency might have with the applications. During the final week of these classes, SVOC helps applicants finish their applications, and CRLAF attorneys review every application before SVOC submits them.

#### *F. Other Examples*

Reviewing several other examples of ILRC projects gives a better sense of how the approaches described above play out. This work includes a host of activities from assisting local CBOs to gain access to local immigration officials on a regular basis, to raising public awareness of important issues by publicizing particular cases and assisting undocumented students in their organizing efforts. A variety

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114. The ILRC conducted trainings with community leaders on how to complete the intake sheet and on the basics of the relevant immigration law. The ILRC wanted to make sure that lay advocates refrained from providing legal advice that was beyond their capacity. The ILRC staff also conducted many follow-up consultations with leaders on using the worksheet in person, by telephone, and via email.

115. The worksheet was designed so that an attorney was able to make a legal determination as to § 245(i) eligibility very quickly. ILRC attorneys reviewed hundreds of the worksheets. They also trained other volunteer legal workers to review the worksheets.

116. With CRLAF, the ILRC participated in follow-up assemblies. Worksheets completed by participants were completed during these meetings and, together with the SVOC organizers and leaders, legal workers were able to inform the participants immediately whether they met the requirements for § 245(i).

117. Together with SVOC, the ILRC constantly evaluated how the initial plan was working and modifications were made accordingly.

of strategies that range from leadership development to media work, collaboration to grassroots advocacy, may be used in a single campaign depending on the circumstances. But always, the ILRC's hope in its civic participation initiative is to develop the capacity of immigrants and the organizations that serve them to make their ideas and concerns understood and respected by decision-makers.

#### 1. Committee to Retain Fifth Preference in 1981

Soon after the Select Commission on Immigration and Refugee Policy submitted its final report in 1981, one of the commission's members, Senator Alan Simpson (R-Wyoming), began to introduce legislation to implement various policies he gleaned from the experience. By then, the Republicans had taken the White House, and Senator Simpson became a leading voice of immigration reform. In fact, his efforts, combined with Congressmen Peter Rodino and Romano Mazzoli, eventually led to IRCA's employer sanctions and legalization provisions in 1986.<sup>118</sup>

Chief among Simpson's goals was the elimination of the sibling category for immigration. Under what was the "fifth preference" (until 1990 when it was recast as fourth preference family), an adult U.S. citizen could petition for alien brothers and sisters, whether married or unmarried. If married, the beneficiary sibling could bring along the spouse and unmarried children.<sup>119</sup> Simpson opposed this category on the grounds that it led to unending chain migration. He felt that brothers and sisters were not part of the "nuclear" family to begin with, and therefore they should not be given a preference. He was particularly troubled by the fact that an accompanying spouse of the primary beneficiary could become naturalized in five years, then petition for his or her own parents and sibling to begin the chain migration of a new family. So year after year in the 1980s, he

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118. See Bill Ong Hing, *The Immigration and Naturalization Service, Community-Based Organizations, and the Legalization Experience: Lessons for the Self-Help Immigration Phenomenon*, 6 GEO. IMMIGR. L.J. 413 (1992).

119. BILL ONG HING, *MAKING AND REMAKING ASIAN AMERICA THROUGH IMMIGRATION POLICY, 1850-1990, 198-99* (1993).

proposed total elimination of the fifth preference or at least amending the provision to limit it to unmarried brothers and sisters.<sup>120</sup>

Simpson's campaign was particularly upsetting to Asian Americans, who have been the big users of the sibling category (along with Mexicans). In response to Simpson's campaign, the ILRC began meeting and informing members of the Chinese American and Filipino American community around the Bay Area about Simpson's proposals. Staff and board members met with CBO staff, church groups, senior citizen groups, and service providers to explain the impact on the various Asian-American communities. As a result, an enormous grassroots letter-writing and petition drive was initiated. Congress members Nancy Pelosi and Barbara Boxer (at the time a member of the House of Representatives) were lobbied, and agreed to oppose the Simpson initiatives. Through local churches, a national church effort was successfully waged to speak out against the elimination of fifth preference. The ILRC led several lobbying trips to Washington, D.C., as well, knocking on doors with community members, and delivering letters and petitions. In the end, the grassroots effort of the Committee to Retain Fifth Preference (which is what it came to be known) was successful. Every one of Simpson's efforts was rejected, and the category was saved.

## 2. Community Liaison Meetings with District Director Ilchert in 1983

Aside from its early work representing individuals in law school clinical programs, one of the first major ILRC accomplishments was the establishment of regular liaison meetings between CBOs and local immigration officials. For many years, the local private immigration bar held monthly liaison meetings with the INS district director and his lieutenants. In the late 1970s and early 1980s, staff attorneys from nonprofit organizations were welcomed to attend those meetings, but invariably the conversation was mostly about the needs of the private bar, its relationship with INS staff, and some policy questions that usually pertained to clients who were not low income. Recognizing that the needs of CBOs and low income

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120. HING, *supra* note 24.



immigration clients generally were not addressed at the private bar-INS meetings, the ILRC requested that a regular liaison meeting be established between community service agencies and INS personnel, and officials consented.

In the early 1980s, District Director David Ilchert began regular meetings with community agency staff members. The ILRC kept the minutes of those meetings and completed the necessary follow up work that was required of such meetings. The minutes were necessary so that agency officials could be held accountable for the commitments they made. An important concession on the part of Director Ilchert was that a handful of low income clients of service agencies could attend the meetings as well. That changed the environment of the meetings. Ilchert was forced to hear first-hand accounts of rude and culturally-insensitive behavior on the part of INS staff. Eventually, he ordered several changes because of what he heard at these meetings, including making the lines in the waiting room more efficient, making complaint forms readily available, requiring government personnel to wear name badges at all times, and posting better signs at strategic locations in the building.

The ILRC's work with community groups to initiate these liaison meetings resulted in regular meetings between community groups and the San Francisco INS District Office, and today such meetings are held regularly with USCIS and ICE personnel. The ILRC established regular liaison meetings with immigration officials in Fresno, Sacramento, and San Jose, California, that continue. The ILRC also produced and distributes a guide for organizations to establish community liaison meetings in their own districts.

### 3. Campaign for the Morales Family and a Fair Family Unity Policy in 1990

Eduardo and Ester Morales became Lawful Temporary Residents through the special agricultural worker ("SAW") program of IRCA in 1986.<sup>121</sup> Their two children, Eduardo Jr., age six, and Norberto, age three, did not qualify for legalization because they entered the United States in 1989. Nor could they benefit from an INS Family Fairness

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121. See HING, *supra* note 118.

policy that had a November 6, 1986, cut-off date. Incredibly, the children were placed in deportation proceedings and ordered to leave by May 20, 1990.<sup>122</sup> In collaboration with the ILRC and community supporters, the Morales family decided to advocate for a law that would protect families in this situation. The ILRC and a group of parents called Equal Rights Congress in Merced, California, launched a grassroots petition campaign to stop the deportation of the Morales children. The children's parents played an active role in distributing petitions and speaking about the case. The family, their legal worker, and Equal Rights Congress held several press conferences about the case. Media coverage at the deportation hearings in San Francisco was especially dramatic, generating widespread support for the family's cause. A San Francisco radio station ran an editorial requesting that the INS District Director permit the children to stay.<sup>123</sup> Advocates collected the news articles and videos of television coverage for advocacy groups in Washington who were trying to change the law.

Public support for the Morales family helped convince the INS to reverse its decision, and the children were permitted to remain as a matter of discretion.<sup>124</sup> Congress passed the Family Unity law in 1990, which allows the spouse or minor child of anyone who received legalization under IRCA to obtain Family Unity status—permission to remain and work in the United States—if the spouse or child entered the United States on or before one of two specified dates in 1988.<sup>125</sup> Although the Morales children entered the county after 1988, publicity in their case and others generated the necessary pressure to convince Congress to fashion permanent relief for many other families.

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122. See Interview with Mark Silverman, *supra* note 65.

123. *Id.*

124. *Id.*

125. See Shusterman, *supra* note 91. Established by Section 301 of the Immigration Act of 1990, Pub. L. No. 101-649, 104 Stat. 4978 (1990), the Family Unity Program provides renewable periods of voluntary departure and employment authorization for the eligible spouses and children of legalized immigrants.

#### 4. Campaign for Ana Rivera and the Unification of Low-Income Families

On her eighth birthday on September 27, 1996, Ana Rivera had her final deportation hearing before an immigration judge in San Francisco, California. Her mother, Lucia Rivera, who became a lawful permanent resident through the SAW program, had a low annual income primarily working as a farm worker in the Central Valley. Ana was seeking lawful resident status based on approval of preliminary paperwork filed on her behalf by her mother. The same week of Ana's hearing, Congress was completing work on the IIRIRA, which was enacted on September 30, 1996.<sup>126</sup> Community groups in Fresno, including Colegio Popular, worked with the ILRC to launch a campaign in the weeks prior to the hearing to prevent Ana's deportation and separation from her family.<sup>127</sup> They tied the effort on Ana's behalf to a campaign against a provision in the IIRIRA legislation that a petitioning parent such as Lucia would have to earn up to 200 percent of the federal poverty guideline level.<sup>128</sup> The organizers pointed out that Lucia would have to earn over \$30,000 if that proposal became law.

Colegio Popular and the ILRC conducted a number of organizing activities, including lessons in ESL/citizenship classes for citizenship applicants on how the case illustrated the legislative process, a petition campaign that garnered over a thousand signatures, press conferences and appearances on Spanish-language radio shows, visits to the local offices of a U.S. Senator and member of Congress, and a peaceful demonstration about Ana's situation when President Clinton made a campaign stop in Fresno. The campaign generated a great deal of interest in the immigrant community as well as with the general public. The local daily newspaper, the *Fresno Bee*, covered the case with several articles, including a front-page article the day after the hearing and two editorials.<sup>129</sup>

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126. Pub. L. No. 104-208, 110 Stat. 3009-546 (1996).

127. Jim Doyle, *U.S. Trying to Deport 4-Year-Old; Girl's Mother Is Permanent Resident of U.S.*, S.F. CHRON., Dec. 1, 1992, at A15.

128. *Id.*

129. Interview with Mark Silverman, *supra* note 65.

Fortunately, the immigration judge granted Ana permanent residency at the hearing. As she walked with her mother and her attorney into the courtroom filled with press, the judge said to Ana gently, "Come up here. You're the star of the show."<sup>130</sup> Immediately after the hearing, Ana's mother Lucia expressed her joy, but also pointed out how many other families in her situation might not be able to reunite if the new income requirements passed.<sup>131</sup> A few days after the hearing, Congress modified the sponsor's income proposal to require that a person submitting an affidavit of support must generally show that she earns 125 percent of the poverty guideline levels.<sup>132</sup> The publicity on the case and congressional visits by immigrant advocates and community groups contributed to the nationwide effort that resulted in the provision's modification.

##### 5. Naturalization Outreach and Support of Community Building Efforts with Fresno Leadership Foundation in 2000

At the invitation of the Fresno Leadership Foundation ("FLF"), the ILRC took part in a community meeting in Coalinga, California, a town that is approximately half Latino and has no immigration lawyers or non-profit community organizations that provide low-cost immigration services. FLF had two primary reasons for hosting this meeting. First, non-attorney immigration consultants (often notary publics or "notarios") were charging many residents hundreds of dollars to complete relatively simple immigration forms. Sometimes the consultants did not file any papers with the INS and simply took the immigrants' money. Residents needed to obtain accurate immigration information to avoid being such easy prey for unscrupulous immigration consultants. FLF called upon the ILRC to provide correct immigration and naturalization information to the residents of Coalinga.

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130. Interview with Mark Silverman, *supra* note 36.

131. *The World Today: Illegal Immigrant Child of Legal Immigrant Not Deported* (CNN television broadcast Sept. 27, 1996).

132. See Joyce C. Vialet, *CRS Report for Congress: Alien Eligibility for Public Assistance*, Dec. 18, 1997, at CRS-5, available at <http://digital.library.unt.edu/govdocs/crs/data/1998/meta-crs-716.tk1>.

The second reason behind FLF's community meeting was to boost an organizing campaign that FLF was initiating. FLF and some Coalinga residents began organizing to encourage the immigrant residents to use the publicly-owned Coalinga Welcome Center. The Welcome Center was supposed to be available for the use of all of residents, but the Center had not opened its arms to the immigrants in town. FLF invited the ILRC to sponsor a community meeting with the idea that having a community meeting about immigration would provide the opportunity for Latinos to start using the Welcome Center. The hope was that such an event could provide the immigrant residents with the confidence that the Center was for them as well as for other residents and to show public officials that the immigrants in town had the right to use the Center.

#### 6. Immigrant Student Campaigns in 2001 and 2002

In the fall of 2001, the ILRC began working with high school student groups on California's version of the DREAM act. The focus, initially in the San Francisco Bay Area and Sonoma County, was on carrying out a campaign on issues associated with the implementation of a recently enacted California law, AB 540.<sup>133</sup> The purpose of working with student groups was threefold. First, the campaign aimed to develop leadership skills among immigrant students by educating them about how the law affected immigrant students in California. Second, participants would be afforded the opportunity practice their skills by informing fellow students about the benefits offered by AB 540, and third, to address issues and concerns associated with the implementation of the law.

Due to changes in federal immigration law in 1996, and prior to the enactment of AB 540, California law required undocumented students residing in California who enrolled in public colleges and universities to pay out-of-state tuition fees.<sup>134</sup> Under this policy, undocumented immigrant students could not be considered residents for in-state tuition purposes. On the other hand, U.S. citizens and

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133. *See supra* note 2.

134. *Regents of Univ. of Cal. v. Superior Court*, 225 Cal. App. 3d 972, 980 (Cal. Ct. App. 1990) (commonly referred to as "the *Bradford* decision").

lawful permanent residents could satisfy requirements for establishing state residence and qualify for the far less expensive in-state rate. This difference made access to higher education for a majority of undocumented immigrant students—even those with excellent academic records—prohibitively expensive.

In October 2001, California Governor Gray Davis signed AB 540 into law.<sup>135</sup> The enactment of AB 540 removed some of the financial barriers for undocumented students to continue their education after high school graduation. AB 540 provides a waiver of the non-resident tuition requirement at California public colleges and universities for students who: (1) have studied at a California high school for at least three years; (2) are high school graduates; and, (3) if they are undocumented, sign an affidavit promising to regularize their immigration status as soon as they are eligible.<sup>136</sup>

Through its relationships with CBOs and immigrant groups, the ILRC identified students from the San Francisco Bay Area and Sonoma County who were interested in forming an advocacy and informational campaign around AB 540. To implement the campaign, the students first were taught about the provisions of the law, its application, and its limitations. The ILRC then worked with the students to develop skills on how to carry out a campaign. This was accomplished through a series of trainings at their schools through migrant education programs or at CBOs that were already working with the students on other issues. The students were instructed on the difference between state and federal law. They were also trained to exercise restraint when asked questions to which they did not know an answer, and to refer those questions to appropriate organizations.

Once the students were trained, they executed the informational and advocacy campaign. In collaboration with CBOs and immigrant organizations, the ILRC worked closely with the students to make sure that they had the necessary support and resources to wage the campaign. The informational campaign consists of presentations to

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135. See Action Alert: Take Action Before January 16, <http://www.chavez.ucla.edu/Ab540.htm> (last visited Sept. 11, 2008).

136. CAL. EDUC. CODE § 68130.5 (West 2003). See also Action Alert, *supra* note 135; *supra* note 2.

peers, teachers, school administrators, and community residents about the benefits of AB 540 for undocumented immigrant students.

The campaign activities have varied. Students in San Francisco have preferred making presentations at community meetings. Students in Sonoma County have chosen to give presentations in their classrooms and during school assemblies. When given the opportunity, all student groups have not shied away from using the media as a tool to conduct outreach. The media work has ranged from holding press conferences to agreeing to individual interviews and appearances on television and radio programs.

Although the students first focused on informing their peers about the benefits of AB 540, they also began a special advocacy campaign focused on the University of California. When AB 540 was first enacted, its provisions only covered the community college and California State University systems which are distinct from the University of California. In order for AB 540 to take effect in the prestigious University California system, its Board of Regents would have to act. Toward that aim, the student campaign organizers began lobbying efforts. They wrote testimonials about their lives in California as undocumented immigrant students and submitted them to the Regents. Their testimonials highlighted their academic achievements and how an opportunity to receive a University of California education would positively affect their lives and their ability to contribute to society. Some students were able to speak during the Regents meeting when AB 540 was discussed. Ultimately, the Regents adopted AB 540, and the student campaign was partly responsible. The student advocacy campaign has continued to address related issues and has established links with other state and national groups working on toward similar goals.<sup>137</sup>

Since AB 540 is limited to California and the state cannot provide legal immigration status, students working on the campaign have joined the nationwide movement to seek a federal remedy. The students have chosen to support a Senate bill, the Development,

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137. For example, although AB 540 facilitates access to higher education, the law does not make undocumented immigrant students eligible for public financial aid. So, the student advocates have worked with allies to explore and expand alternative sources of financial aid such as private scholarships.

Relief and Education for Alien Minors Act.<sup>138</sup> The DREAM Act, introduced most recently in 2007 by Senator Richard Durbin, would legalize the immigration status of students under certain conditions. Now boasting twenty cosponsors, this legislation contains strict requirements and eligibility limitations. Under the provisions of this bill, those who entered the United States five years prior to the passage of the legislation and were under the age of sixteen at the time of entry are eligible for a six-year conditional residency status upon completion of an associates degree or two years of military service. If the applicant demonstrates good moral character, at the end of the six-year conditional residency, the applicant can apply for U.S. citizenship. This is the opportunity that eligible students hope for.

The legalization of undocumented students is an issue that has helped to expand the membership of student groups initially formed to educate the community about AB 540. Support for the groups and the issue has grown as well. For several years, students have waged legislative advocacy campaigns aimed at convincing Congress to pass the DREAM Act. Students in California have formed statewide coalitions dedicated to community education on the benefits of the DREAM Act. They have waged letter-writing and petition campaigns, and lobbied congressional offices. In addition, student groups are working at the local level with city councils and boards of supervisors to encourage them to adopt resolutions in support of the DREAM Act. The ILRC staff attorneys meet regularly with DREAM Act student leaders to provide legislative updates and to help plan and implement media strategies.

#### IV. CONTEXT, RELEVANCE, AND TRANSFERABILITY

When attorneys start from a perspective of respect for the client and the client's community, engaging in collaborative lawyering can be a natural choice. Not all attorneys who respect their clients choose the

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138. The DREAM Act was S. 774 in the U.S. Senate in 2007. See National Immigration Law Center, *DREAM Act to be Reintroduced by Senators Durbin and Hagel*, July 13, 2007, <http://fairimmigration.wordpress.com/2007/07/13/dream-act-to-be-reintroduced-by-senators-durbin-and-hagel/>.



collaborative route. But for those who do, the strategies are evident. The collaborative style is humble, not paternalistic; respects the client's own talents and skills; respects the client's informed judgment on case strategies; addresses issues and shares responsibilities with the client as a partner; strives to demystify the law and procedure for clients; and regards community education or teaching self-help as a central strategy.

The rebellious strategies of the ILRC represent the choice to practice collaboratively out of respect for and confidence in its working class immigrant client communities. Certainly the ILRC staff goes about its work with social change goals in mind, but those goals have been shaped by its collaborations with immigrants and other service providers in the community. The ILRC could have chosen to seek those goals by engaging in strategies with little client collaboration. However, early on, as we shared legal information and case responsibilities with clients and delivered presentations to community groups, the important insight that clients and community residents demonstrated was evident. Their willingness and desire to take on responsibilities for their own needs was apparent. Working with that willingness and desire was natural.

The ILRC's classification as a legal services support center or backup center may be puzzling for some who are familiar with the history of legal services programs in the United States. Although the ILRC began as a law school clinical program, funded initially by a Department of Education grant for law school clinical programs in the 1979-80 academic year, the ILRC blossomed as a support center in the early 1980s when legal services support centers began being attacked. At the end of the Carter Administration in 1980, the federally-funded Legal Services Corporation ("LSC") was funding 325 grantees, covering every county in the United States, as well as Puerto Rico, the Virgin Islands, and Micronesia.<sup>139</sup> These included basic field programs that provided general legal assistance to eligible clients within their geographic services areas, a system of separate programs to address the special legal needs of Native Americans and migrant farm workers, and a comprehensive system of state and national

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139. See National Legal Aid and Defender Association, History of Civil Legal Aid, [http://www.nlada.org/About/About\\_HistoryCivil](http://www.nlada.org/About/About_HistoryCivil).

support centers, regional training centers, and a national information clearinghouse. This began to change when Ronald Reagan took office. As governor of California, Reagan clashed with California Rural Legal Assistance; once he became president, he targeted the LSC. Every year of his administration, he pushed for restrictions on the types of cases LSC-funded programs could accept and reduced fund. President George H.W. Bush continued the attack, and hundreds of legal aid offices were closed by the early 1990s. The combination of the new restrictions and the cut in LSC funding resulted in major changes in the civil legal assistance delivery system and the role of the LSC. National and state support centers and the national information clearinghouse could no longer receive LSC funds. Those that survived the loss of LSC funding developed new resources and financial support, often from sources that had not traditionally supported LSC funded entities or from entrepreneurial efforts to market their services to non-LSC funded legal services programs.<sup>140</sup> The ILRC benefited from one of these new sources of funding—the establishment of an Interested on Lawyers Trust Account (“IOLTA”) program to be administered by the State Bar of California for legal services programs in the state. Twenty percent of these new funds were set aside for support centers, for which the ILRC qualified because of the backup work it had initiated as a law school clinical program. In the mid-1980s, the ILRC also received its first foundation grant from the Rosenberg Foundation of San Francisco to provide backup work to attorneys representing low income Mexican families seeking relief from deportation.

The ILRC’s evolution from law school clinical program to legal services support center raises implications for law school clinical programs. Law school clinics with expertise in certain fields can provide backup to pro bono or legal aid attorneys and community education programs to community groups.<sup>141</sup> The wide-range of expertise in clinical programs across the country raise far-reaching

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140. *Id.*

141. For example, the law students of the Immigration Law Clinic at the University of California, Davis, School of Law provide advice and research to public defenders and pro bono attorneys who represent immigrants facing removal (deportation) because of a criminal conviction. Students from the same clinic regularly assist immigrants needing advice and form-filling assistance for naturalization in a group setting.

possibilities for such programs to take on a support-center role even if in a limited capacity. Clinical programs partnering with established support centers to expand the work of those centers is yet another possibility for law school clinics to consider.<sup>142</sup>

Much of the collaborative-type lawyering of the ILRC can be done in clinical settings and legal services environments. We do our best to address the array of challenges faced by our clients and client communities, from housing to public assistance, to consumer issues and employment problems; from domestic violence to racial profiling, to custody battles, problems at school, and language access. By putting our heads together on any of these issues, eventually with our clients and client communities, surely we can think of ways that community education, meetings, media work, leadership development, and organizing campaigns would help move the issues along. Of course, resources and staff/student commitment are critical to implementing these strategies, but we are also expanding resources to address these challenging issues through the partnerships we would be forming with clients, allies, and the new leaders that would emerge.

Without a doubt, the ILRC has been part of the immigrant rights movement at a time when immigrant bashing and the debates over immigrant and refugee rights have heightened. By using the collaborative-lawyering approach in its work, the ILRC has strived to help immigrants get their voices heard on these matters. Some might wonder whether their voices have made a difference (examples discussed confirm that they do), but at least their voices are out there, less subordinated than before. And that may demonstrate that some social change has occurred.

While the immigrant rights movement has been conducive to collaborative lawyering strategies, a multitude of other areas of reform and practice are suitable as well. Think only of labor struggles, low income housing needs, coalition opportunities to seek economic justice, environmental causes, healthcare, and education reform. The individuals, families, and communities affected by these issues are looking for ways in which they can have a say on these issues. A rebellious approach to these challenges is capable of generating

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142. Immigration clinic students from Hastings and Golden Gate University law schools regularly are placed with the ILRC to assist with the backup work in which the ILRC is engaged.

tremendous participation by those concerned. The question is not whether the interest and talent exists in the community to take part in these movements; the question is whether those of us in clinics and progressive legal services programs have the will, imagination, and faith in ourselves and our clients to take the collaborative route.

#### CONCLUSION

Considering rebellious or collaborative lawyering solely in the context of direct services law offices or in the individual client setting is limiting. The world of legal services to subordinated communities also includes support or backup centers that provide training, consultation, advice, and support to services providers at the frontlines, as well as directly to low income communities. As this case study of the ILRC illustrates, the work of support and backup centers is quite conducive to practicing in the collaborative approach. And much of the program's work is adaptable to clinical programs and other law offices.

The immigrant civic participation programs of the ILRC have been developed and implemented in a manner that fulfills much of the spirit and aspirations of rebellious, collaborative lawyering. The ILRC's teaching of immigration law and procedure to immigrant groups, its leadership training programs, its capacity-building of grassroots groups, and its media-training for students and residents are all about educating clients and communities to support resistance. As Jerry López points out, the goal of community education is more than the transmission of information about legal rights or benefit eligibility rules.<sup>143</sup> Wherever groups of lower-income people meet or can be brought together, López sees opportunities for rebellious advocates to nurture and further their resistance to social, political, and economic subordination by "train[ing] groups of subordinated people to represent themselves and others," an activity he calls "teaching self-help and lay lawyering."<sup>144</sup> The ILRC's collaboration with grassroots community groups, community-based organizations, pro bono lawyers, the media,

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143. Gerald P. López, *Training Future Lawyers to Work with the Politically and Socially Subordinated: Anti-Generic Legal Education*, 91 W. VA. L. REV. 305, 373-74 (1989).

144. *Id.*

and even government agencies exemplifies the concept of collaboration with allies that is central to rebellious lawyering. López calls for a collaboration of “co-eminent” practitioners, by whom he means lawyers, clients, and other potential problem solvers such as community activists, organizers, media, administrators, policy-makers, researchers, and funders.<sup>145</sup> Through such action and reflection, Lucie White notes that poor people and their lawyer-allies voice aspirations, identify concrete action strategies, and discover grounds for political unity.<sup>146</sup> Ascanio Piomelli refers to this as a joint problem-solving partnership with clients; attorneys do not simply work for clients, but with clients and with their lay allies.<sup>147</sup> In short, the ILRC attempts to look outside the box in its approach to social change lawyering involving challenges—such as trying to impact immigration policy—that are daunting.

In the words of López, rebellious lawyering involves a “fight against subordination through a different understanding of lawyering” that may need to understand the “politics of multinational decision-making.”<sup>148</sup> To Piomelli, this work “requires a thorough reorientation of almost every aspect of traditional legal practice.”<sup>149</sup> And to White, such lawyering challenges “the guarded borders of the lawyer’s traditional role,”<sup>150</sup> and those involved in such advocacy, will find themselves in battles with seemingly insurmountable odds.<sup>151</sup> Indeed, fighting for immigrant rights in this day and age is quite challenging, yet the ILRC finds the task more worthwhile when taken on in partnership with the community.

The ILRC’s approach to its work is a humble and respectful one, recognizing that there is much to learn from immigrants themselves and much to gain from collaboration with immigrants and deference to

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145. GERALD P. LÓPEZ, REBELLIOUS LAWYERING: ONE CHICANO’S VISION OF PROGRESSIVE LAW PRACTICE 55 (1992).

146. White, *supra* note 3, at 157–58.

147. Piomelli, *supra* note 3, at 440.

148. LÓPEZ, *supra* note 145, at 29; Gerald P. López, *The Work We Know So Little About*, 42 STAN. L. REV. 1, 30 (1989).

149. Ascanio Piomelli, *The Democratic Roots of Collaborative Lawyering*, 12 CLINICAL L. REV. 541, 599, 602 (2006).

150. Lucie E. White, *The Power Beyond Borders*, 70 MISS. L.J. 865, 874–75 (2001).

151. *Id.* at 871–74; Lucie White, “Democracy” in *Development Practice: Essays on a Fugitive Theme*, 64 TENN. L. REV. 1073, 1097–98 (1997).

their judgment. Certainly, other approaches to providing legal and social services to immigrants can be quite effective. However, the ILRC approach, working in partnership with immigrant communities, is one that catches the spirit of the collaborative lawyering movement while promoting client empowerment.

These principles have been adopted by those aspiring to practice in a manner that not only seeks to make systemic changes on behalf of subordinated communities, but that also empowers clients themselves to seek social change on their own behalf. Legal services organizations and law school clinical programs that engage in more than direct, individual client representation and incorporate community education or collaboration with client groups and their allies are well positioned to use rebellious, collaborative lawyering techniques described in this Article. Our clients, their neighbors, and their allies are capable and ready to join the bigger struggle with standard tools, new approaches, and creative ideas that we can help develop and implement together. The ILRC has demonstrated that.