

Community Navigator Training

Module 5:

Avoiding Unauthorized Practice of Immigration Law (UPL), Reporting Victimization & Identifying Legal Help

The Community Navigator Training Train-the-Trainer Outline and Scripts were prepared by CIRI's Regional Training Team, a subcommittee within CIRI's Regional Coordination Working Group. The CIRI Regional Training Team includes staff with the AFL-CIO, National Partnership for New Americans (NPNA), New York Immigration Coalition (NYIC), People Improving Communities through Organizing (PICO), United Farmworkers Foundation (UFWF), and United We Dream (UWD). CIRI's Regional Collaboration Working Group consists of the following organizations: AFL-CIO, CASA Maryland, CHRLA, CIRC, CLINIC, FIRM, Farmworker Justice, ICIRR, MIRA Coalition, National Domestic Workers Alliance, NPNA, NYIC, PICO, UNITE Here!, UFWF, UWD, Welcoming America and World Relief. Review and edits were conducted by CIRI's Technical Assistance and Training (TAT) Working Group.

We would like to acknowledge that the outline and script builds off of the initial Community Navigator PowerPoint and detailed notes prepared by Tara Raghuvver of the National Partnership for New Americans (NPNA). Susan Schreiber and Jack Holmgren of Catholic Legal Immigration Network, Inc. (CLINIC) supplied the Immigration 101 module, based on CLINIC's 2-day immigration law training. Mayron Payes and Larry Kleinman of FIRM/NPNA provided guidance on the Defending Administrative Relief module. Patrick Taurel of the American Immigration Council (AIC) contributed to the module on Unlawful Practice of Law. Frances Valdez (United We DREAM), Courtney Tudi (World Relief), Eddie Carmona (PICO), George Escobar (CASA de Maryland), Ruth Lopez (NPNA), Camille Mackler (NYIC), Adrienne DerVartanian (Farmworker Justice), and Kelly Rodriguez (AFL-CIO) all provided additional resources and guidance. This training is based on the NPNA-United Food and Commercial Workers naturalization partnership.

Please visit adminrelief.org to access the training curriculum and additional administrative relief resources. If you are interested in standing up a Community Navigator training in your area, the aforementioned CIRI Regional Training Team is prepared to assist.

If you would like more information on the Community Navigator training and would like to be connected with CIRI's Regional Training Team, please contact Sarah Mesick of NPNA at sarah@partnershipfornewamericans.org.

Community Navigator Training
Train-the-Trainer Outline and Script
Module 5: Avoiding Unauthorized Practice of Immigration Law (UPL),
Reporting Victimization and Identifying Legal Help
Estimated time: 2 hours

Educational Objectives:

- Ensure that Community Navigators understand the “bright lines” that demarcate practicing law and that CN’s are equipped with simple, practical and effective strategies to respond to communities’ hunger to know where they stand legally.
- Provide practical strategies on when and how to report victimization.
- Provide practical strategies on when and how to make legal referrals.

Methodology:

- This training utilizes a modified form of “popular education”;
- Wherever practical, this means starting with participants’ information and ideas. The facilitator adds important information not brought forth by participants and corrects misinformation
- It is important for the facilitator to monitor the group dynamic and not let a few voices dominate the discussion
- Incorporation group discussion of possible strategies, followed (time-permitting) by work in dyads to role-play possible answers to questions.

Materials Needed:

- Easel paper
- Markers
- Pen and paper (or post-its) for participants
- Projector and screen for PowerPoint
- Slips of paper with UPL question for partner activity
- Case example for role play activity

Community Navigator Module Power Points:

- Each module has a corresponding power point with important notes that correspond to each training topic. Please review the slides prior to your training to incorporate the detailed notes. All power points are available on adminrelief.org.

This training outline and script is intended to provide guidance through each topic. Please make this training your own by bringing in your own methodology and unique training style. This training can be shortened by reducing discussion and activities. All of the Community Navigator training material can be found and downloaded from the adminrelief.org website.

Community Navigator Train-the-Trainer Outline
Module 5: Avoiding Unauthorized Practice of Immigration Law (UPL),
Reporting Victimization and Identifying Legal Help

Topic, Time & PPT Slide(s)	Goals	Facilitator's Role and Key Points	Suggested Activities and Discussion Prompts (Refer to the training script for further details and key answers to questions.)
Welcome and Introductions (10 minutes) Slide(s): 1 - 4	Get to know everyone in the room through introductions.	Facilitate a rounds question to get a sense of who has had a personal experience with an attorney before.	Go around the room asking trainees to briefly share how if they have worked with an attorney before; and, in what capacity.
Practice of Law (30 minutes) Slide(s): 5	Explain what is practice of law is, discuss legal fraud, and the role Community Navigators play without providing legal advice.	Engage Community Navigators in conversation around law practice, their experience in the own communities with legal fraud and emphasize the importance of Community Navigators not providing legal advice. Emphasize that navigators should under no circumstances leave the training and begin charging money for their services unaffiliated with the organization.	Pull knowledge from the group through the following questions: (Initial rounds question) Who has had personal experience with hiring an attorney? What general duties were they hired to do? Ask if people in the room know what "notaries" are and explain that "notarios" are very different in this country than in some other countries. Clarify the different between "selecting and preparing legal documents" from the non-legal practice of providing standard legal documents/forms, and assisting with basic form completion Clarify the difference between providing Know Your Rights education and advising on legal rights.

Topic, Time & PPT Slide(s)	Goals	Facilitator's Role and Key Points	Suggested Activities and Discussion Prompts (Refer to the training script for further details and key answers to questions.)
Unauthorized Practice of Law (UPL) (20 minutes) Slide(s): 6 - 13	Explain what UPL is, why it matters and the role that Community Navigators play.	Facilitator clearly explains UPL and discusses hypothetical situations in which someone's case is botched because of UPL.	<p>Pull knowledge from the group</p> <ul style="list-style-type: none"> - Ask participants why does preventing UPL matter? - Discuss hypothetical cases <p>Activity (if time permits): "Dyad" practice where partners work together to figure out hypothetical scenarios.</p>
Fraud Prevention and Reporting Victimization (20-30 minutes) Slide(s): 14 - 19	Explain what fraud is in relationship to legal service providers, discuss "notarios", and ways to report victimization.	Facilitate conversation on experiences with fraud, explain the categories of unscrupulous legal service provision, discuss how to report victimization and provide case examples through role play.	<p>Fraud prevention: Ask the navigators to share their own experience with UPL and legal fraud (Scribe responses)</p> <ul style="list-style-type: none"> - What are your experiences with UPL? - Has anyone ever felt exploited or taken advantage of by a legal service provider or know of someone it has happened to? Ask for examples. - Has anyone ever been charged more than they should have been? - What are you hearing in your community right now regarding fraud? - What is a notario? What experiences have you had with notarios? <p>Reporting victimization:</p> <ul style="list-style-type: none"> - As Community Navigators, it is important to know the ways in which Community victimization can be reported. <p>Role Play Activity: Have two navigators come to the room to act out a scenario</p> <ul style="list-style-type: none"> - One of them should report victimization to the other, the

Topic, Time & PPT Slide(s)	Goals	Facilitator's Role and Key Points	Suggested Activities and Discussion Prompts (Refer to the training script for further details and key answers to questions.)
			<p>other should practice helping them deal with the situation</p> <p>- Evaluate as a group: What went well? What didn't go well? What should the navigator do if the community member resists help?</p>
<p>Avoiding Legal Fraud and Identifying Legal Help (15 minutes) Slide(s): 20 - 28</p>	<p>Community Navigators learn specific techniques to avoid legal fraud and identifying legal help.</p>	<p>Facilitator moves through the slides with the trainees. Explain that the most important considerations for choosing a legal advocate are referrals and reputation.</p>	<p>Facilitator: Before sharing the slide, ask the group for their tips and strategies to avoid legal fraud. Scribe responses on easel paper.</p> <p>Review each point in the slides. Ask participants if they have anything to add regarding each point.</p>
<p>Local Resources to Identify Legal Help (5 minutes) Slide(s): 29</p>	<p>Share legal resources with Community Navigators.</p>	<p>Facilitator provides a list of trusted groups/individuals who can make referrals locally.</p>	<p>Make sure material is ready to hand out to the Community Navigators so they can take it with them.</p> <p>Ask Community Navigators to share ways they plan to share this information.</p>
<p>Evaluation and Closing (5 minutes)</p>	<p>Listen to how trainees are feeling at this point of the training. Facilitate evaluation form if appropriate at the time.</p>	<p>Wraps up Module 5 to lead into Module 6: Screening</p> <p>Facilitator passes out evaluation form for all participants to complete.</p> <p>(If this is not the last module of the training, wait until the very end of the training.)</p>	<p>Brief evaluation of Module 5 with everyone saying "one word" how they feel and/or one thing they learned from the training.</p>

Community Navigator Train-the-Trainer Script

Module 5: Avoiding Unauthorized Practice of Immigration Law (UPL), Reporting Victimization and Identifying Legal Help

I. Welcome and Introductions (10 minutes)

Slide(s): 1 - 4

Goals:

- Introduce yourself as a facilitator and the organization
- Facilitate a rounds question to get a sense of who has had a personal experience with an attorney before.

Facilitator:

- Go around the room asking trainees to briefly share how if they have worked with an attorney before; and, in what capacity.

II. Who Can Practice Law?

Slide(s): 5

Goals:

- Explain what is practice of law is, discuss legal fraud, and the role Community Navigators play without providing legal advice.
- Emphasize that navigators should under no circumstances leave the training and begin charging money for their services unaffiliated with the organization

Facilitator:

- Who has had personal experience with hiring an attorney? What general duties were they hired to do?
- Ask if people in the room know what "notaries" are and explain that "notarios" are very different in this country than in some other countries.
- What is the practice of law? [Slide 5]
 - Representing others in court
 - Holding oneself out as a "notario" or lawyer
 - Selecting and preparing legal documents
 - Advising others on legal rights

- Community navigators can assist applicants and give general information **without providing legal advice.**
 - Working with a lawyer or saying you're not a lawyer does not make it okay to give legal advice.
 - This protects the navigator, but also the person they are trying to help by making sure they are getting the best advice from the best source possible.
- Clarify the different between "selecting and preparing legal documents" from the non-legal practice of providing standard legal documents/forms, and assisting with basic form completion.
- Clarify the difference between providing Know Your Rights education and advising on legal rights.

III. Unauthorized Practice of Law and Reporting Victimization (20 - 30 minutes)

Slide(s): 6 - 13

Goals:

- Explain what UPL is, why it matters and the role that Community Navigators play.

Facilitator:

- Unauthorized Practice of Law [Slide 6]
 - The unauthorized practice of law is the practice of law by an individual who is not authorized to do so.
- Ask participants "Why does understanding and preventing UPL matter?"
 - Giving incorrect legal advice can have very harmful consequences. Discuss a hypothetical situation in which someone's case is botched because of UPL.
- Example:

One of the requirements of DACA that appears simple and straightforward is that, generally, applicants must be 15 years old to apply. Based on your understanding of that requirement, you turn a 13-year-old away from a clinic, communicating to the individual that he is not eligible for DACA now. Several weeks later, ICE encounters the individual and removes him from the US. As it turns out, an immigration judge issued a removal order against this person one year ago. Because he had been ordered removed, he was eligible to apply for DACA on the day you turned him away from your clinic
- Who can practice law? [Slide 7]
 - Licensed attorneys
 - BIA accredited representatives
 - Law students under supervision by an attorney

- Consequences of UPL [Slide 8]
 - Punishment for the unauthorized practice of law can be civil or criminal in nature
 - A person can be sued for injuries resulting from UPL
 - A court can order a person to stop practicing law, impose fines, or—in the case of a criminal UPL violation—send someone to jail

- Activity: Hypothetical Examples to Practice identifying and avoiding UPL

- Split trainees up in pairs or small groups to discuss the example. After a few minutes have several groups share their answer and how they came to their decision.

- Hypothetical Example A [Slide 9]:

- “A community navigator speaks to a group of 30 people about President Obama’s announcement. No lawyer or BIA rep is present. The presentation includes a discussion of:
 - DAPA and DACA eligibility criteria;
 - Evidentiary requirements;
 - Benefits and limits of deferred action; and
 - Other general information

- Is this UPL? Why or why not?”

- Answer:
- No, this is not UPL. This is allowed. Non-lawyers may conduct community information sessions like this one

- Hypothetical Example B [Slide 10]:

- “Someone at a workshop asks, ‘I have XYZ evidence. Do I qualify for DAPA and is this enough evidence?’
- A community navigator responds, ‘Yes! You qualify and this is enough to apply for DAPA.’

- Is this UPL? Why or why not? If so, what can be done instead?”

- Answer:
- Yes, this is UPL! You can work around this situation by:
 - Reminding the person that you are not a lawyer
 - Reviewing the eligibility requirements with them

- Giving general advice about what to do next i.e. "These are the requirements for DAPA and this is the evidence you have. Here are some options of what you can do: take a screening test, talk to a lawyer, attend X session"
- Activity: How Community Navigators Avoid UPL – Role Play
- Facilitator: "Now that we have discussed what is and the consequences of UPL, let's talk more about the how Community Navigators can avoid UPL. Please share how you think Community Navigators can respond in ways that are both responsible and that don't seem evasive or send the message that we don't have an important role in DAPA preparation?"
- Scenario #1 [Slide 11]:
- Someone at a presentation says: "I got a DUI. You said people who have DUIs are generally not eligible for DAPA? Can I apply?"
- What is the best way to ask this question?
- Potential Responses:
- The following responses would constitute UPL:
- "No, you can't apply"
- "It depends. Were you under 18? If yes, then you might be eligible."
- The issue with both of these responses is that it applies the facts to the law, which is practicing law.
- Satisfactory Answer:
- "I can't answer that question because I'm not a lawyer."
- Although this is true, participants at an information session might feel frustrated with this response. They attended the workshop to get information, not to hear why you can't help them. This is why the next answer is even better.
- Better Answer:
- I can't tell someone whether they qualify because I'm not a lawyer, but I want you to get good legal help. We will connect you with X organization."
- Scenario #2 [Slide 11]:
- Someone at a presentation says: "I arrived in the U.S. when I was 17 years old. Do I qualify?"
- Best Answer:
- "I can't answer that question because I'm not a lawyer. However, the policy states that you had to have arrived in the U.S. before your 16th birthday. You might want to verify with your family how old you were when you arrived in the U.S. We will connect you to good legal help so that you may speak to an attorney.

- Dos and Don'ts [Slide 12]:
- Key answers:
 - Using "Puede ser" is pivotal because it neither guarantees nor forecloses anything. Never say "Yes, you qualify" or "No, you don't qualify" even if you think you know the answer.
 - Remind folks that only attorneys or accredited representatives of non-profit organizations can give definite answers. ("I'm not an attorney or accredited representative, so I can't give you a definite answer.")
 - Briefly repeat the relevant element of eligibility ("you need to have been here since Jan. 1, 2010 and you're telling me that you were.")
 - Refer folks (and possibly assist them) to complete an online or hard copy "pre-screening" tool, i.e., a list of questions, the answers to which will signal whether someone is likely, possibly, or definitely not eligible.
 - Invite folks to an organization's community workshop to learn more and get advice.
- Other possible answers:
 - I'm not the right person to answer your question.
 - You need to go to our organization and make an appointment with...
- Review: Role of Community Navigator [Slide 13]:
- What can navigators do now?
- Key answers:
 - Organize community to defend the President's actions
 - Stay informed (suggest examples of how)
 - Help counter rumors
 - Take part in actions, activities and campaigns
 - Encourage others to take part
 - Promote membership
 - Making this message a part of every implementation event, activity or encounter
 - Tell potential applicants who ask "What do I need to qualify?" that the first thing they need is to do is defend the program!
 - Think of DAPA and DACA as the first step on the road to permanent status and citizenship for all
 - Spread awareness of the new programs and eligibility requirements
 - Educate community members about self-screening tools to determine eligibility
 - Participate in mass workshops and clinics
 - Assist with document and application preparation

- Help identify individuals who may qualify for better forms of relief
- Direct community members find competent, trusted legal help

IV. Fraud Prevention and Reporting Victimization (20 - 30 minutes)

Slide(s): 14 - 19

Goals:

- Explain what fraud is in relationship to legal service providers, discuss “notarios”, and ways to report victimization.

Facilitator:

- Ask the navigators to share their own experience with UPL and legal fraud.
 - Scribe responses on easel paper
 - Share example of someone being scammed (i.e. charged a ton of money for an application form, even though those are free online.)
 - What are your experiences with UPL?
 - Has anyone ever felt exploited or taken advantage of by a legal service provider or know of someone it has happened to? Ask for examples.
 - Has anyone ever been charged more than they should have been?
 - What are you hearing in your community right now regarding fraud?
- What is a “notario”? (Slide 15):
 - Notarios are not lawyers. They also are not valid accredited representatives approved by the US government. Often, they use the term “notario publico” to advertise their services in the Hispanic community. That title is not recognized in the US as it is in some Latin American countries. In the US, a notary public or notario is a public officer who is authorized by law to certify documents, take affidavits, and administer oaths. State law regulates the fees that a notary public can charge.
 - While many legitimate community and religious organizations provide immigration-related services, non-lawyers who advertise as legal “consultants” or “notarios publicos” are not authorized or qualified to help with legal matters. These notarios often take advantage of people from their own ethnic community. Some attempt to provide legal service but are not competent. Others will take money without ever intending to file documents or help in any way
 - Notarios are **not** lawyers

- Notarios are **not** accredited representatives approved by the government
 - Often, notarios use the term "notario publico" to advertise their services
 - Notarios **CANNOT** give legal advice!!!
- Reporting Victimization [Slide 16]
 - As Community Navigators, it is important to know the ways in which Community victimization can be reported:
 - If you believe that either you or a member of your community has been a victim of notario fraud (which is the victimization and/or legal practice by someone holding themselves out as a notario) or any other unlawful or fraudulent practice of law (which is not necessarily by a notario, can also be a bad lawyer, someone charging an exorbitant amount in fees, etc.), you should do the following:
 - Find representation
 - File a complaint
- Free representation against notaries [Slide 17]
 - Will work to find a lawyer to fight back
 - Call the ABA: (202) 442-3363
 - Email AILA: stopnotariofraud@aila.org
- File a complaint (or several) [Slide 18] - this helps you and helps protect your community.
 - State consumer protection agency
 - State bar
 - District attorneys
 - Attorney General
- FEDERAL
 - Federal Trade Commission (FTC) <https://www.ftc.gov/faq/consumer-protection/submit-consumer-complaint-ftc>
 - Executive Office of Immigration Review - <http://www.justice.gov/eoir>
- Role Play Activity - Reporting Victimization [Slide 19]:
 - Have two navigators come to the room to act out a scenario
 - One of them should report victimization to the other, the other should practice helping them deal with the situation
 - Evaluate as a group. What went well? What didn't go well? What should the navigator do if the community member resists help?

V. Avoiding Legal Fraud and Identifying Legal Help (15 minutes)

Slide(s): 20 - 28

Goals:

- Community Navigators learn specific techniques to avoid legal fraud.

Facilitator:

- Before sharing the slide, ask the group for their tips and strategies to avoid legal fraud. Scribe responses on easel paper.
- SLIDE TIPS AND STRATEGIES [Slide 21]:
 - Get a recommendation
 - Check for credentials
 - Check for past disciplinary actions
 - Identify areas of expertise
 - Stay informed
 - Get a written contract
 - Keep copies
- Get A Referral [Slide 22]
 - The most important considerations for choosing a legal advocate are referrals and reputation
 - You should meet service providers in your community and determine who will give quality service to your community members
- Check for Credentials [Slide 23]
- When speaking to service providers
 - Ask in which state the person is barred
 - Look the attorney up in the state bar website
 - Check to see if BIA rep is accredited
- Check for Disciplinary Actions [Slide 24]
 - Check the Department of Justice database to see if the attorney or BIA rep has been disciplined
 - If so, don't make an appointment with that person
- Identify Expertise [Slide 25]

- Ask attorneys what their area of expertise is
- Ask how long they have been practicing
- Ask about their experience working with cases like the one at hand

- Stay Informed [Slide 26]
 - Ask LOTS of questions
 - Stay involved and informed
 - Make sure the attorney or BIA rep looks at the documents
 - Keep the full name and contact information of everyone involved

- Get a Written Contract [Slide 27]
 - Get EVERYTHING in writing
 - Ask for a retainer agreement
 - Read it over carefully, make sure to understand or ask questions
 - Get written agreements for every promise made orally
 - Send a letter outlining promises made if someone is refusing services previously promised

- Keep Copies [Slide 28]
 - Get a copy of everything the attorney/rep files
 - Keep these copies safe!!

I. Local Resources to Identify Legal Help (5 minutes)
Slide(s): 29

Goals:

- Share legal resources with Community Navigators

Facilitator:

- Provide a list of trusted groups/individuals who can make referrals locally
- Make sure this is ready in advance to hand out to the navigators so they can take with them
- Ask Community Navigators to share ways they plan to share this information

II. Evaluation and Closing (5 minutes)

- Facilitator wraps up overview of Community Navigators to lead into Module 6: Screening

- Facilitator passes out evaluation forms to participants and collects at the end. (The evaluation form can also wait until the end of the training.)
- (Optional) Brief evaluation of Module 5 with everyone saying "one word" how they feel or one thing they learned from the training.

