



The New York Immigration Coalition, Immigrant Concerns Training Institute

Ethics for Immigration Practitioners

***CLE Credit Available**

Attendance at trainings is limited to staff of NYIC member agencies and the staff of government agencies, BIA-recognized agencies, and 501(c) nonprofit organizations that provide legal services under the direct supervision of an immigration attorney.

Friday, October 18, 2013

9:00 a.m. — 12:00 p.m.

Location: The New York Immigration Coalition, 137-139 West 25th Street, 12th Floor, NY 10001 (between 6th & 7th Avenues)

TOPICS COVERED IN SESSION:

Immigration law practitioners are often confronted with difficult ethical issues in their day-to-day work. This workshop will address topics such as sources of guidance on ethics, what constitutes representation, issues arising from dual representation, fraud, frivolous applications, and misstatements, inaccuracies and omissions. This workshop will also cover the issue of unauthorized practice of law. The training will be conducted by Prof. Dan Smulian, Esq., of the Safe Harbor Project at Brooklyn Law School. **CLE Credit: 3 credits in ethics and professionalism. This course provides transitional credit for newly admitted attorneys and non-transitional credit for experienced attorneys.**

Register by 10/15/13 **(We no longer accept faxed registrations. Please email your registration form.)**

REGISTRATION (please, print):

Name: _____ Organization: _____

Address: _____

Tel.: _____ Fax: _____

Email (Registrants **must** provide their email address to receive the training materials before training)

_____ (All registrations will be confirmed by E-mail. If you do not receive an E-mail confirmation, then you are not registered for the training. To confirm your registration, please E-mail jvidal@thenyic.org.)

- ☐ I am an attorney admitted to practice in New York State and wish to receive Continuing Legal Education (CLE) credits.
- ☐ I am an attorney admitted to practice in the following state(s) _____ and wish to receive a certificate of attendance for CLE reporting purposes.
- ☐ I am a BIA accredited representative, and I will need a Certificate of Attendance at the end of the training
- ☐ I am an attorney at an ONA Opportunity Center or ONA Legal Counsel
- ☐ I am a non-attorney seeking BIA Accreditation/Renewal at an ONA Opportunity Center or ONA Legal Counsel
- ☐ I am a non-attorney seeking BIA Accreditation/Renewal at a non-profit that is not an ONA Opportunity Center/Legal Counsel
- ☐ I will require wheelchair access.

The NYIC has been certified by the New York State CLE Board as an accredited provider of continuing legal education in New York State
from May 28, 2013 to May 27, 2016.

Funding for these trainings has been provided by the Office of New Americans.

Attendance at ICTI Trainings is subject to the NYIC's attendance policy, available on our website or by emailing jvidal@thenyic.org

PLEASE NOTE THAT THERE IS A \$30 LATE REGISTRATION FEE.

All registrations will be confirmed by E-mail. If you do not receive an E-mail confirmation, then you are not registered for the training. To confirm your registration, please E-mail jvidal@thenyic.org.

Fee structure:

Category	Price <u>per training</u>	Total Enclosed
BIA Accredited Representatives & Attorneys of NYIC member agenciesⁱ	\$25	
Staff of 501(c) NYIC member agenciesⁱⁱ	\$30	
Employees of BIA Recognized Agencies and Attorney-supervised 501(c) nonprofit organizations (Not members of the NYIC)ⁱⁱⁱ	\$70	
NYIC Private Attorney Supporter	\$70	
Government employees	\$130	
Non-member Private-sector attorneys and their employees	\$155	
Late Registration Fee	\$30	

ⁱThe agency must be current in NYIC membership dues to receive the membership rate; otherwise it must pay the nonmember rate

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ⁱ ONA sponsored trainings are free to all attorneys and staff of 501(c) agencies. Regular rates apply for all other trainings.

**IN CASE OF ECONOMIC HARDSHIP, A FEE REDUCTION OR WAIVER MAY BE AVAILABLE UPON REQUEST.
PLEASE CALL X. 227 FOR A COPY OF OUR FINANCIAL AID POLICY AND FEE REDUCTION/WAIVER REQUEST FORM.**

Email your registration form to jvidal@thenyic.org and mail your registration check or money order made payable to The New York Immigration Coalition to: The New York Immigration Coalition, Training Institute, 137-139 West 25th Street, 12th Floor, New York, NY 10001. (Additional bank charges will be added for returned checks.)

THERE ARE NO REFUNDS. IF YOU ARE UNABLE TO ATTEND, PLEASE NOTIFY US AT LEAST 48 HOURS IN ADVANCE SO THAT YOUR SEAT CAN BE OFFERED TO SOMEONE ELSE.

If you have any questions, please call Jonathan Vidal at 212-627-2227 ext. 227.

The NYIC has been certified by the New York State CLE Board as an accredited provider of continuing legal education in New York State from May 28, 2010 to May 27, 2013.

REGISTRATION REQUIREMENTS—PLEASE READ CAREFULLY

All people registering to attend CLE training through a NYIC member agency, other nonprofit organization, government agency, or employee of a private attorney must submit a letter on the agency or organization's letterhead verifying that the registrant is an employee of the agency or organization *and* authorizing the registrant to attend the training(s). The letter must be signed by the head of the agency or the managing attorney.

Non-member agencies can only participate in ICTI CLE trainings if (1) the agency is recognized by the BIA; (2) is providing services under the direct supervision of an immigration attorney; or (3) is doing so for the express purpose of obtaining BIA Accreditation.

NYIC members that are not BIA recognized and that are not supervised by an immigration attorney cannot attend CLE trainings unless the head of the member agency provides a written and signed attestation that s/he understands what constitutes the "practice of law" and that the member does not and will not engage in the unauthorized practice of law. The NYIC can provide a form attestation letter for the head of the member agency to sign. Please contact jvidal@thenyic.org to obtain the attestation form.

Non-member agencies that are not recognized by the BIA but that are providing legal services under the direct supervision of an immigration attorney must provide a letter, from that supervising attorney, stating that the attorney supervises the work of the registrant(s).

Non-member non-profit agencies that are not recognized by the BIA but are taking the training for the express purpose of obtaining BIA Accreditation must provide a letter, from the head of the member agency stating that the purpose of the staff attending the training is to obtain BIA Accreditation, and that they intend on applying for Accreditation in the near future. All letters will be kept on file for future trainings.

NYIC member agencies and other 501(c) organizations submitting registrations on behalf of their staff to attend CLE trainings must submit a copy of their IRS 501(c) letter in order to receive the member or nonprofit rates.

The NYIC will not knowingly accept registration to attend CLE trainings from any person who provides legal representation without authorization pursuant to 8 CFR Part 292, such as "immigration consultants" and "notarios."

Effective January 1, 2008 the "NYIC Private Attorney Supporter" category is an individual membership and not membership for the entire office. This means that if an attorney in private practice is a NYIC member in the "Private Attorney Supporter" category, her/his membership extends only to the attorney and not to other attorneys or other support staff in her/his office. Each staff in the office must have a "Private Attorney Supporter" NYIC membership in order to receive the NYIC-member training discount.

Please note: Effective April 1, 2009, there is a new fee category for "NYIC Private Attorney Supporter". This means that private attorney NYIC supporters will pay a higher fee than the category for "Staff of 501(c) NYIC member agencies."

The mission of the NYIC Immigrant Concerns Training Institute (ICTI) is to provide high-quality trainings for attorneys and Board of Immigration Appeals (BIA) accredited representatives of NYIC member agencies, as well as staff of non-profit agencies seeking BIA Accreditation to help them build and maintain their competency and effectiveness in the provision of immigration legal services. Likewise, the ICTI assists the legal support staff of attorneys and BIA-accredited representatives (e.g., legal assistants, paralegals) of NYIC member agencies and other non-profits to increase their skill and competency in order to obtain BIA accreditation. The ICTI also provides trainings to the staff of NYIC member agencies and other nonprofit 501(c) agencies that are either BIA- recognized or managed by an immigration attorney for purposes of professional development—to help them increase their understanding of issues that impact immigrants. The ICTI provides both non-CLE and CLE trainings.

Members Having No BIA Recognition and No Immigration Attorneys Must File Attestation

An NYIC member that is not recognized by the Board of Immigration Appeals and does not have an immigration attorney on staff to supervise the provision of immigration legal services must file with the NYIC a written attestation, signed by the head of the organization, stating that (i) it understands what constitutes the practice of law (as defined below), and (ii) that it does not and will not engage in the unauthorized practice of law. Until such attestation is filed with the NYIC, the member cannot participate in trainings offered through the NYIC ICTI and cannot send employees to participate in the trainings offered by the NYIC ICTI. Going forward, the attestation will serve as notice to NYIC members that they are prohibited from using the ICTI to support the unauthorized practice of law.

If the member files such an attestation, but later the NYIC Board of Directors determines that the member in fact is engaged in the unauthorized practice of law, then the NYIC Board of Directors may suspend or expel that member from NYIC membership as appropriate under this policy.

Staff of Non-Member Non-Profit Organizations Must File Attestation

Any non-profit organization that is not a member of the NYIC, that is not recognized by the Board of Immigration Appeals, and that does not have an immigration attorney on staff to supervise the provision of immigration legal services must file with the NYIC a written attestation, signed by the head of the organization, stating that (i) the organization is seeking BIA Recognition and the staff attending the training will be seeking BIA Accreditation; and (ii) that it does not and will not engage in the unauthorized practice of law.

Unauthorized Practitioners of Law Prohibited From ICTI Trainings

If an individual engages in any of the activities described as the “practice of law” below, and is not a licensed attorney, is not working under the direct supervision of an immigration attorney, and is not a Board of Immigration Appeals (BIA) accredited representative, then that individual is engaged in the unauthorized practice of law.

The NYIC’s Director of Training and Technical Assistance shall have the discretion to prohibit any individual or agency from participating in any training offered through the ICTI if he or she knows or has reasonable grounds to believe that the individual or agency is engaged in criminal or unlawful activity (including but not limited to the unauthorized practice of law).

The NYIC shall not knowingly permit individuals or organizations that engage in the unauthorized practice of law to participate in ICTI trainings. Such individuals and organizations include but are not limited to: *notarios*, for-profit immigration consultants, travel agents, insurance agents, and other individuals or organizations, whether for-profit or non-profit, that are engaged in the unauthorized practice of law.

Practice of Law Defined

The “practice of law” shall include, but not be limited to, (i) applying the law to the particular facts of an individual’s case, (ii) advising a person *which* immigration form the person should complete and/or file with the U.S. Department of Homeland Security, U.S. Executive Office for Immigration Review, U.S. Department of Labor, or the U.S. Department of State (hereinafter, “the immigration authorities”), (iii) advising a person *how* to complete and/or file a form with the immigration authorities, (iv) calling or writing the immigration authorities on behalf of an individual to find out the status of the individual’s case, or to otherwise make an inquiry about the individual’s case on behalf of that individual, (v) representing an individual or individuals during a hearing, interview, or meeting with the immigration authorities, (vi) appearing in any case, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client before or with the immigration authorities, (vii) studying the facts of a case and the applicable laws, coupled with the giving of advice and auxiliary activities, including the incidental preparation of papers, and/or (viii) the preparation and/or sending of correspondence to the immigration authorities on behalf of an individual.

Getting BIA Recognition and Accreditation

Through its Training & Technical Assistance program, the NYIC provides training and legal support to NYIC member agencies and other non-profit organizations to prepare and file an application for BIA recognition for the member agency/non-profit organization and accreditation for the organization’s staff. Please contact the NYIC’s Director of Training and Technical Assistance for more information.
