



November 3, 2014

Clerk of the Washington Supreme Court
PO Box 40929
Olympia, WA 98504-0929

To Whom It May Concern:

Thank you for the opportunity to share with you our perspective on the application of Limited License Legal Technicians to matters of immigration law. We agree with the position of the LLLT Board to increase access to legal services to immigrants in Washington State, however we have concerns about how the LLLT Board may choose to meet this unmet need.

OneAmerica is Washington State's largest immigrant advocacy organization. Our members across the state of Washington are diverse with regard to ethnicity and national background as well as immigration status, including those without legal authorization to live and work in the United States. One of our programs is the Washington New Americans program, which provides high quality pro-bono citizenship legal services to legal permanent residents eligible to apply for naturalization.

First, we wish to emphasize the particular vulnerability of the immigrant population seeking legal services. Simply put, inadequate or faulty legal representation can have devastating consequences. Poorly conducted assistance to complete routine applications and forms can trigger removal proceedings, land someone in immigration detention, and result in permanent deportation. Individuals caught up in the harsh realities of our current deportation and removal system – which restricts the ability of immigration judges to exercise discretion – have limited recourse. Once deported, individuals are barred from re-entering the country and have often exhausted their financial resources only to find themselves permanently separated from home and family.

OneAmerica's work with citizenship applicants may be instructive in this instance. Noncitizens who apply for citizenship will be subject to a complete review of their immigration history as well as their criminal history. If that review reveals that they were erroneously granted immigration status or that they have obtained a criminal conviction that triggers a deportation ground, not only is their citizenship application denied, but they are also put into deportation proceedings and, in some instances taken right from their citizenship interview into ICE custody and detention. We rely on pro-bono paralegals to provide initial screening for these issues and assistance with completing naturalizations forms. However, given the serious risks, we rely on experienced attorney supervision in order to ensure that each applicant is eligible and not at danger of inadvertently triggering deportation grounds. In our ongoing advocacy efforts throughout Washington, we frequently encounter immigrants who received incorrect or inadequate legal advice that resulted in their placement in deportation proceedings.

Second, the federal government already has a well-established alternative system in place to increase access to legal services for immigrants through the US Department of Justice and the Board of



Immigration Appeals (BIA). Organizations and individuals may become BIA accredited to provide immigration legal services. There are specific guidelines that govern the accreditation process and how accredited organizations and individuals may operate. For example, all BIA accredited representatives (qualified non-attorneys) must work under the supervision of experienced immigration lawyers.

It is not clear, based on current LLLT guidelines what relationship LLLTs may have to the BIA accreditation process. It is unlikely, from our understanding, that the BIA will recognize a state-level LLLT system. It is also unclear whether an LLLT program, which appears to be a for-profit model, will be able to operate effectively alongside the BIA-accredited program, which is a non-profit model.

Third, the LLLT program could create confusion in the Latino community where immigrants are already culturally accustomed to so called 'notarios', which in their home countries function essentially as attorneys. Here in the United States, immigrants often seek legal advice from 'notarios' who are not qualified to provide immigration-related legal services. Washington State has enacted legislation to limit the potential impact of 'notarios' on immigrants seeking legal services; historically, 'notarios' providing inadequate legal advice, even if well meaning, had adverse consequences for their clients, and in some instances 'notarios' were clearly acting in a fraudulent manner charging their clients fees without providing meaningful legal services at all. An LLLT program that is applied to immigration law must include strong guidelines to prevent the emergence of a new 'notario' market.

Given these concerns, we urge the LLLT board to proceed with utmost caution in applying the LLLT program to the practice of immigration law.

We believe there are alternative mechanisms that can be employed to ensure greater access to federally accredited legal services in Washington State. For example, Washington's legal community may advocate for increase private and public funding to increase availability of low-cost immigration legal services, advocate for increased funding to grow the pipeline of BIA accredited organizations, or increase pro-bono requirements for existing immigration attorneys in order to increase the pool of experienced attorneys providing no-cost or low-cost services in partnership with non-profit organizations in Washington State.

Thank you again for this opportunity to share our perspectives. We commend the LLLT board for pursuing this discussion to increase access to justice for vulnerable communities.

Sincerely,

Rich Stolz

Executive Director
OneAmerica

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Thursday, November 06, 2014 8:00 AM
To: Tracy, Mary
Subject: FW: Comments Letter on LLLT Recommendations from OneAmerica
Attachments: OA LLLT Letter FINAL-signed.pdf

Good Morning!

For you ☺

Kris

From: Rich Stolz [mailto:Rich@weareoneamerica.org]
Sent: Thursday, November 06, 2014 6:40 AM
To: OFFICE RECEPTIONIST, CLERK
Subject: Comments Letter on LLLT Recommendations from OneAmerica

Dear Clerk of the Washington Supreme Court:

Please find attached comments on potential application of the Limited License Legal Technician policy to immigration law. We welcome any questions the LLLT board may have.

Sincerely,

Rich Stolz | Executive Director | OneAmerica WeAreOneAmerica.org
1225 S. Weller Street, Suite 430 | Seattle, WA 98144 | rich@weareoneamerica.org | P: 206.452.8401 | F: 206.629.7672

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