

Freedom for Immigrants

Legal Professionals Volunteer Policy & Procedure

*Special thanks to El Refugio in Georgia for its help in creating this resource.**

Purpose:

Visitation programs in Freedom for Immigrants' network frequently encounter Legal Professionals with a passion to get involved with visitation. We strongly encourage this involvement, but we also recognize the need to protect the integrity of visitation programs and the rights of people in immigration detention. We created this Policy & Procedure as a best practice, and we encourage all visitation programs to require people classified as Legal Professionals to sign an acknowledgement of understanding of this Policy & Procedure.

Definitions:

Legal Professionals – Those individuals who by their education, profession and/or licensure are considered to be officers of the court and bound by oath or ethical consideration to the Rules of Professional Conduct. This would include but is not limited to Attorneys, Board of Immigration Appeals (BIA) accredited representatives, paralegals, some law students, court appointed advocates and others who operate within the judicial system.

Policy:

- Freedom for Immigrants' members and affiliates should implement extra scrutiny of Legal Professionals. As attorneys are accustomed to extensive background checks, they should be willing and thankful that you are screening them thoroughly.
- Visitation programs should determine whether the Legal Professional (if an attorney) is in good standing with the state bar; this can be done by searching for the attorney's name on the state bar's website. As attorneys representing people in immigration law cases do not have to be attorneys of the state in which they are practicing, please ask the attorney for the state in which they are licensed.
- Visitation programs should require that the Legal Professional either supply three (3) references or submit to a one-on-one interview with the visitation program coordinator and/or Freedom for Immigrants staff member.
- The Legal Professional should be accompanied on his or her first volunteer visit by an experienced volunteer visitor.

Procedure:

- Legal Professionals are welcome and encouraged to participate in non-legal, humanitarian visits to people in immigration detention.
- Legal Professionals may not use visitation opportunities as occasions to offer legal services of any kind for pay/compensation to any person in detention or their family or friends.
- If the Legal Professional decides to offer pro bono legal services to the person in immigration detention, the Legal Professional must do so during an attorney-client visit and not during community visitation hours. This is important because conversations between an attorney and a client during a community visit are not privileged as they are monitored by the detention facility.
- Freedom for Immigrants members and affiliates do not offer legal services. Any legal services offered pro bono to people in immigration detention or their families or friends would be an arrangement and agreement by the attorney and the individual, not by a Freedom for Immigrants member or affiliate visitation program.

- While 84 percent of people in immigration detention lack attorney representation, it is a best practice to pair attorney visitor volunteers with a person in detention who already has an attorney. This best practice has been determined through trial and error and through feedback from attorneys who serve as visitor volunteers. Being paired with a person who already has attorney representation takes the burden off of the attorney visitor volunteer to feel compelled to act as both a visitor volunteer and a legal advisor to their new friend in detention.
- Legal Professionals should be required to sign an Acknowledgement of this Policy & Procedure prior to being permitted to become a volunteer visitor (see acknowledgement form on page 3).

*This resource was adapted from the Policies and Procedures governing Legal Professionals who visit as volunteers at the Stewart Detention Center through the Visitation Ministry at El Refugio, www.elfugiostewart.com. Any errors in this resource are those of Freedom for Immigrants, www.freedomforimmigrants.org.

Acknowledgement:

I certify that I have received a copy of the following:

Legal Professionals Volunteer Policy & Procedure

I have read and understood all elements of the Policy & Procedure and agree to the conditions stated. I realize that failure to abide by this Policy & Procedure may/will seriously jeopardize the integrity and ability of this visitation program to provide services to people in immigration detention.

Volunteer Name (Printed): _____

Volunteer signature: _____

Date: _____