

## **SECTION 3**

### **Pro Bono Attorney Resources**

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# Naturalization Step by Step Resource Sheet

Although every naturalization case and every naturalization client is different, the suggested steps below are a general framework for completing a naturalization case through the ILCM Pro Bono Project.

## Step 1: Client Introduction

Review the client file and case memo that was provided by ILCM. Contact the Pro Bono Director at ILCM with any questions. Contact your client by phone to introduce yourself and set up your first meeting. Before calling the client review the file so you can alert her to the types of documents/information that she should bring to the meeting (i.e. LPR card, list of past addresses, list of travel dates, documentation for the fee waiver such as pay stubs or benefits letters, etc.). Also be very clear what location you want to meet at (pro bono clients are often very confused by the fact that their attorneys are not located at the ILCM offices). It is also good practice to send the client a confirmation letter that includes the date, time, and location of the meeting along with a clear list of documents that the client should bring to the meeting.

## Step 2: Client Meeting

For a straightforward naturalization case the filing can often be completed in one meeting with the client. This is especially the case where the attorney prepped the client well regarding what documents/information to bring to the first meeting. At the first meeting the following should be completed:

- Introductions;
- Complete the retainer(s) ( and ROI if needed);
- Complete a client screening (Please see the ILCM Naturalization Screening Sheet in Chapter 10 of our manual);
- Complete forms G-28, N-400, and if necessary the I-912;<sup>1</sup>
- Gather all supporting documents that you need from the client;
- Have the client review and sign (in blue ink) all forms.

If you have questions consult the N-400 directions at [www.uscis.gov](http://www.uscis.gov), the USCIS Policy Manual at [www.uscis.gov](http://www.uscis.gov), and the materials in your ILCM manual. If those resources are not helpful then contact the Pro Bono Director at ILCM.

If the client does not bring all of the documentation that you need to the first meeting give her a list of the materials that you need and have her mail them to you or set up a second meeting to obtain the documents and complete the application.

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<sup>1</sup> For cases where the client has an expired green card you may need to file for a new card before submitting the N-400 application. For more guidance on this issue and for directions for how the most efficient way to handle concurrent I-90 and N-400 applications please see Chapter 9 of the ILCM Naturalization Manual.



If new issues arise during the screening process at your first meeting that require more investigation let the client know that you will need to do follow up research before finalizing the application. Please contact the Pro Bono Director at ILCM for mentorship if you have any questions, especially if criminal or fraud-related issues surfaced during your screening. If the issues are serious you may need to close the file. If the issues are not serious then you will be able to set up a second meeting to complete the application and obtain any supplemental documentation that you need regarding the issue.

**\*\*\*Note:** If your client is being non-responsive or is taking a long time to get you documents please be persistent and contact him or her often to keep the case on track. Case success is often directly related to the attorney's ability to keep the case moving along in an efficient manner. With a non-responsive client try contacting them through different avenues (phone, mail, email if applicable), try setting deadlines, try putting a reminder in your calendar to do a weekly check-in with the client to keep her on track.

### **Step 3: Filing**

Once you have completed the forms compile all supporting evidence and draft a filing cover letter. Chapter 7 of the ILCM Pro Bono manual has a sample filing and cover letter that you can use as a reference. Mail the application to USCIS (proper filing addresses can be found on the USCIS website). Also, send a copy of the filing to your client for their records. Sample cover letters to clients can be found in Chapter 7 of the ILCM manual and online at [www.ilcm.org](http://www.ilcm.org).

### **Step 4: Receipt Notice**

Within approximately 2-4 weeks you should receive a filing receipt from USCIS, this means that USCIS has received the application and it is now under review. If you submitted a fee waiver with the filing the notice will be called a "Fee Waiver Approval" instead of a "Receipt." There will be a receipt number listed on the notice. You can use that number to track the status of the application online at [www.uscis.gov](http://www.uscis.gov). Your client should have also received a copy of the notice, but please send them a copy just in case they did not receive it.

If the fee waiver was filed with insufficient information or documentation then you will receive a Rejection Notice instead of a receipt. USCIS will return the application to you with the Rejection Notice. In this case either re-file with new fee waiver information, or if it turns out the client is not eligible for the fee waiver, then re-file with fees.

### **Step 5: Biometrics Notice**

Within approximately 4 weeks following the Receipt Notice you will receive a biometrics notice. The notice will have a date and time that the client must go to the biometrics office and have her picture taken and her fingerprints taken. This is so that USCIS can begin an FBI background check for the client. You are not required to attend this meeting with the client since no legal questions will be asked at the



appointment. Your client should have also received a copy of the notice, but please send them a copy just in case they did not receive it.

## **Step 6: Interview**

Within approximately 3 months following the biometrics notice your client should receive an interview notice. It will have a date and time when the client needs to attend her interview at USCIS. Please contact the client as soon as possible after receiving the notice. Set up an interview prep meeting with the client. At the meeting you will practice the testing requirements and do a practice interview. Also, you can make sure that no new issues have arisen since the application was filed. For a checklist of what to cover in the prep meeting see Chapter 8 of the ILCM Naturalization Manual. Also, make sure that both you and the client have original copies of the Interview notice since you will both need them to attend the interview.

ILCM asks that attorneys attend the interview with the applicant. Chapter 9 of the ILCM manual contains an in-depth resource guide about naturalization interviews. However, a few main points are listed below.

- At the interview the client will again have her fingerprints taken;
- The interview is held in the officer's office with the client and attorney present;
- The officer will go through all of the questions on the N-400 form (that is the English test);
- Unless the client has an exemption from the testing requirements the officer will then complete the writing, reading, and civics tests with the client.

## **Step 6: Interview Follow-Up**

If the client passes all of the testing and there are no issues in the case then the client should receive an Oath Notice in the mail following the interview. The attorney should also receive a copy of the oath notice. Please mail a copy of the oath notice to the client with directions for attending the ceremony. Chapter 7 of the ILCM manual and the ILCM website contain sample letters. Attorneys are not required to attend oath ceremonies.

If at the interview, the officer determines that your client is not eligible for naturalization due to a substantive legal issue then the application will also be denied. The applicant will most likely receive a Notice to Deny in the mail and then a Denial Notice. There is a 30 day appeal period for denied applications. PLEASE contact ILCM immediately if your client's case is denied.

If after the interview the officer needs further documentation from the applicant before a decision can be made then the officer will most likely issue a Request for Evidence (RFE), which you will receive in the mail. The RFE will list what documents are needed and give a deadline for their submission. It is extremely important that all RFEs are responded to in a timely manner. Once USCIS receives the RFE it should either approve or deny the application.

By law USCIS is required to make a decision on a naturalization case within 120 days following the interview. If it has been several months and you have still not received a decision in your case you can write to USCIS to inquire (see Chapter 8 of the ILCM manual for a sample letter).

### **Step 7: Oath Ceremony and Case Closing**

Client's who are approved for naturalization must attend the oath ceremony. At the oath ceremony the client will give immigration their LPR card but will receive a certificate of citizenship in its place. Following the oath ceremony the attorney should send the client a closing letter. There are samples of the closing letter in Chapter 7 of the ILCM manual and on our website at [www.ilcm.org](http://www.ilcm.org). Please let the Pro Bono Director at ILCM know that your client's case is closed. ILCM may need copies of certain notices or the client filing.



## NATURALIZATION SCREENING

Client obtained LPR status via:

Got LPR status on (date on green card):

Greencard valid until?

Is either parent a US Citizen?

Since when? How?

**Circle one:**

English skills (Can he/she read, write and speak?)	Yes	No	Maybe
Qualify for language exemption (50/20, 55/15, 65/20)?	Yes	No	Maybe
Qualify for medical waiver?	Yes	No	Maybe
Fee waiver needed?	Yes	No	Maybe
Are there LPR <i>derivative</i> children for N-600's?	Yes	No	Maybe

**List ALL Children, Ages, and Status:**

**Currently Married or Married in the Past?** (Get dates for all marriages, divorces, separations, etc. See if current spouse and/or prior spouses were married before.)

- TRAVEL OUT OF U.S.(All travel since LPR, in general. No need to list exact dates here. Specify longest trip outside the country, frequency of travel, purpose of travel.):
  
- DEPORTATION ISSUES (Past and present):
  
- PROBLEMATIC TAXES ISSUES (Files every year? Owes back taxes? Commits fraud? Proper marital status, number of dependents, etc.):
  
- CHILD SUPPORT (Lives with or financially supports all dependents even those abroad? Can prove payment? Arrearages?):
  
- SELECTIVE SERVICE REGISTRATION (If in the U.S. between 18-26, *regardless of status*, did he register for SS?):

- FRAUD OR FALSE INFORMATION ON RESIDENCY: (Listed all children, all marriages/divorces, correct name(s), accurate information all around?)
- ALL ARRESTS/POLICE CONTACT (Ever, at any time, including traffic and any expunged crimes. Ever been in a police car? Ever been before a judge?):
- PROBATION OR PAROLE (Past or present?):
- PUBLIC ASSISTANCE FRAUD (If PA was received was all info. on forms true? Marital Status, Income, Household Size?):
- ALIEN SMUGGLING:
- FALSE USC CLAIMS (I-9s, Social Security Cards, etc.):
- ILLEGAL VOTING OR REGISTRATION:
- ILLEGAL GAMBLING/PROSTITUTION:
- OUT OF WEDLOCK CHILDREN/AFFECTED PREEXISTING MARRRIAGE:
- SUPPORTED OR BEEN AFFILIATED (DIRECLTY OF INDIRECTLY) WITH ANY ORGANIZATIONS, SPECIFICALLY TERRORIST ORGANIZATIONS:
- RECEIVES SUPPLEMENTAL SOCIAL SECURITY INSURANCE (SSI)?
- FILED FOR NATURALIZATION BEFORE? (If so, outcome?)

OTHER NOTES:





## NATURALIZATION FILING CHECK LIST

### BASIC FILING REQUIREMENTS

- ☐ N-400 completed and signed by applicant and preparer.
- ☐ G-28 Notice of Appearance signed by applicant and attorney of record.
- ☐ Copy of Permanent Resident Card, front and back (or other evidence of LPR status).
- ☐ Two passport style pictures of the applicant (name and A# in pencil on the reverse).
- ☐ Filing fee of \$680.00, check or money order payable to: Department of Homeland Security.

### FEE WAIVER FILING REQUIREMENTS

- ☐ I-912
- ☐ If filing based on receipt of means-tested benefit, evidence of receipt of benefit(s).
- ☐ If filing based on household income below 150% of the poverty level, evidence of household income (most recent tax return or two most recent pay statements, amount of child support received, etc.).
- ☐ Filing based on financial hardship, evidence of assets and monthly expenses.

### MEDICAL WAIVER REQUIREMENTS

- ☐ N-648

### OTHER EVIDENCE, IF APPLICABLE

**\*This evidence can also be submitted at the time of the interview, but is preferred at the time of filing**

- ☐ Evidence of valid marriage and marriage proof (if applying thru the 3 year marriage to USC provision).
- ☐ Evidence of current legal name if not the same as on the LPR card (Note, the legal name should be the complete name at birth or the name given as the result of the most recent civil proceeding such as marriage or divorce).
- ☐ Evidence of current marital status, if it is different from when the person gained residency.
- ☐ Evidence of the termination of prior marriages if not part of the residency case.
- ☐ Evidence of Selective Service registration.
- ☐ If the applicant never registered for the Selective Service and is over 26, a Status Information Letter from the Selective Service (see <http://www.sss.gov/>) and a statement from the applicant as to why he never registered.
- ☐ Certified copies of all police reports and criminal court records in the name of the applicant or in the name of any alias(es) ever used.
- ☐ If there are traffic related tickets, evidence of payment/compliance.
- ☐ Evidence of the completion of any probation (N-400 will never be approved with open probation).
- ☐ Evidence showing that applicant makes child support payments, even if there is no court order. All applicants with children will be questioned about this and asked to provide evidence if the children do not live with the applicant
- ☐ Copy of passport if there are exit and entry stamps that coincide with the trips listed by the applicant.
- ☐ Evidence of religious affiliation or "deeply held belief" if asking for a modified oath, or a waiver of part of the oath.
- ☐ If there are any tax arrearages, evidence of a payment agreement with the IRS *and* evidence that the applicant is in compliance with the arrangement.
- ☐ Evidence of good moral character, if there are any indicators of a lack of GMC.



## Tips for Filing Naturalization Applications

**Names:** You must list your client's current legal name on the N-400 form. The client's legal name is not necessarily the same as the name listed on his or her LPR card. The client's legal name is the name listed on his or her most recent binding civil document. If your client has been married, divorced, widowed, or received a name change since becoming an LPR you must list that name on his or her N-400 and provide documentation of the name change (i.e. marriage certificate, etc.).

**Other Names Used:** When asked to list the other names that your client has used, list all current and former aliases, any names that may appear on police/court records (even if they are wrong), misspelled names, double surnames that have been used separately or in reverse order, any names that your client has listed on identification cards and/or employment forms, any maiden names, and any nicknames that are regularly used.

**Marital Status:** Make sure to verify the marital status of your client. If your client had a customary marriage make sure that the marriage is legally recognized in the United States. If you have questions about the marriage or divorce laws in another country the Library of Congress and the State Department website are both good research resources.

**A Numbers:** An "A Number," also called an Alien Registration Number, is the number that USCIS assigns to non-citizens upon the individual's first contact with immigration. Individuals only have one A Number, which remains the same through all USCIS filing. If your client has ever had formal interaction with immigration he or she should have an A Number.

**I-94 Numbers:** An "I-94 Number" is the number listed on an individual's I-94 card. The I-94 card is an Arrival/Departure record that is issued by DHS or CBP to non-U.S. citizens who gain admission to the U.S. through certain channels. Someone who entered without inspection would not have this card.

**Criminal History:** If your client has ever been arrested, charged, cited, or convicted of a crime it must be listed on the N-400. You must also provide certified copies of arrest and court disposition records. For basic traffic citations that do not have such records you should provide proof of payment for the citation.

**Medical Waivers:** If your client has filed an N-648 to obtain a medical waiver you must bring your own interpreter to the interview. USCIS will not provide an interpreter. The interpreter should not be a family member of the applicant. Also, be aware that a determination about the validity of the medical waiver will not be made until the interview. The interviewing officer will review the N-648 form at the beginning of the interview and either accept it or reject it at that point.

## 2014 Federal Poverty Guidelines (Released January 2015)

Household Size	100% of FPG	150% of FPG (USCIS Fee Waiver Standard)	187.5% of FPG** (ILCM Income Guidelines)
1	\$11,770	\$17,655	\$22,069
2	\$15,930	\$23,895	\$29,869
3	\$20,090	\$30,135	\$37,669
4	\$24,250	\$36,375	\$45,469
5	\$28,410	\$42,615	\$53,269
6	\$32,570	\$48,855	\$61,069
7	\$36,730	\$55,095	\$68,869
8	\$40,890	\$61,335	\$76,669
Add for each additional person	\$4,160	\$6,240	\$7,800

\*\*Please note that the figures for 187.5% of FPG are rounded up to the nearest dollar.





## 10 Tips for Successful Pro Bono Representation

Unfortunately, sometimes the simplest of misunderstandings, or the most basic logistical issue, can derail the success of a pro bono matter. To avoid these types of issues, ILCM has put together this list of tips for pro bono attorneys. The suggestions are very basic, but amazingly it is often these simple case management tools that can lead to successful representation.

- 1. Early Client Contact:** Contact the client as soon as possible after case placement to introduce yourself! Early contact keeps the momentum of the case going and drastically increases the rate of case success. If a client is waiting several days or weeks after case placement to hear from the attorney he or she may think that the case placement failed and abandon the case. Or the client may lose trust in the pro bono process, thereby compromising the attorney-client relationship for the rest of the case. A quick call to the client to introduce yourself once you receive the client file can avoid these problems and get the case started on the right foot.
- 2. Explaining what "Pro Bono" Means:** ILCM does its best to fully explain to clients what a "pro bono" attorney is and how "pro bono" placement works. Nevertheless, clients may still be confused after case placement. When you first introduce yourself to the client it is good to explain that you are a volunteer, that you are working in conjunction with ILCM but are not a staff person at ILCM, and reiterate that the client must contact you at a different phone and mailing address than ILCM.
- 3. Know Your Client's Circumstances:** One of the best ways to ensure case success is to understand your client's circumstances. If a client is working or in school it is good to ask about their schedule to see what times are best for client meetings. Find out if a client has a car or is using public transportation so you can pick a meeting place that works for the client or give the client helpful information about traveling to your office. It is also good to be aware of the client's cultural and/or religious practices so you can be cognizant of holidays or obligations that may affect the client's ability to meet or work on the case. For example, some clients may observe certain cultural or religious traditions that restrict travel during certain times, require fasting during certain times, or require prayer during certain times. The more the attorney can be aware of these factors, and conduct the representation in a way that respects the client's religious or cultural practices, the better.
- 4. Alternative Contact Numbers/Addresses:** Sometimes getting in touch with a client can be the hardest part of a case. The client may not have a permanent home, may not have a safe address, or may not have reliable mail. Also, the client may have a phone that does not always have minutes, does not accept incoming calls, does not have voicemail, or is intermittently disconnected. If you have a client who is facing these types of circumstances ask the client if there is an alternative address or phone number (a case worker or trusted relative's number perhaps) that you can use to reach the client if the address or phone you have for him or her becomes unusable in the future. Also, if you are sending the client mail make sure that his or her name is listed on the mailbox.

5. **Meeting Management:** It is important to be thorough in your case work, but also efficient. One way to do this is to avoid unnecessary in-person meetings. To avoid unneeded meetings let the client know ahead of time all of the supporting documents that he or she needs to bring to the meeting. Review the relevant forms to identify cumbersome information that the client may need to gather, and let him or her know about those items *before the meeting*. Also, if the client is missing items at the end of the meeting, if possible, have the client call you with the missing information or mail you the documents you need. If using the mail option it can be good to provide the client with a self-addressed, stamped envelope. *If you do need a follow up in-person meeting then be sure to set a date for that next meeting before the client leaves your office, this will help keep the case on schedule.*

6. **Avoiding No-Shows:** Missed appointments are problematic and frustrating. The best way to avoid a no-show is to send the client a confirmation letter, and then follow up with a confirmation phone call. If your meeting will be at a place besides the ILCM office, remind the client of that fact. If it is the client's first time coming to your office it can help to include a map to your office. Also, explain the logistics of your office to the client (i.e. where can the client park, can you validate parking, is there public transportation available to the office, will they have to go to a receptionist area or can they go straight to your office, etc.).

7. **Written Directions:** It seems obvious, but providing a client with a written list of tasks that he or she needs to gather for the case can make a huge difference. Written lists help clients remember what actions they need to take next in the representation. They also provide the client with a document that can be shown to others who may be helping the client with the representation (i.e. case workers or family members). Lastly, the attorney can use the document as a tool for the representation, checking off items when they are completed and highlighting items of top priority.

8. **Deadlines:** A deadline acts as a placeholder to keep the case on track and holds the client, as well as the attorney, accountable. A deadline can be changed if needed, but just having one provides much needed structure to a case. If you give the client a task to complete always provide a deadline. If the client fails to meet the deadline check in with him or her and see what is causing the delay, then set another deadline. If deadlines are consistently missed, then it may become necessary to send the client a letter notifying him or her that if another deadline is missed then the case will be closed. Before actually closing a case for non-responsiveness we ask that you contact ILCM so we can discuss the situation and see if there is any possible resolution.

9. **Avoid Interpreter Pitfalls:** If using an interpreter during a case be sure that you maintain a rapport with the client and that the interpreter does not interfere with the representation. Always talk directly to the client, ask interpreters to translate verbatim, and avoid side conversations between you and the interpreter or the interpreter and the client.

10. **Common Sense Communication and Problem Solving:** Last but not least, communication and practical problem solving are often the roots of success in a pro bono case. For example, if a client is not being responsive do not assume the worst, in many cases there may be a simple solution to whatever is causing the lack of communication by the client. Be upfront with the client; let them know that you want to keep working on the case but need to have them engaged in the process. Ask them directly if there is something that is hindering their ability to participate in the case. You may find out that the client is avoiding the case due to nervousness, that they are uncomfortable speaking English with you, or that they are in crisis in another part of their life and unable to focus on the case. Whatever it is, if you know the root of the problem, you are more likely to help them overcome it.



# WORKING WITH INTERPRETERS TIP SHEET

## Instructions to Give to Interpreters

- 1) Interpret everything that is said
  - Use the first and second person
  - Use same grammatical construction as the speaker
  - Do not omit, edit, or polish what was said
- 2) Interpret the meaning as accurately as possible
- 3) Do not have side conversations with the LEP person
- 4) Never answer for the LEP person
- 5) You may ask speakers to do any of the following:
  - Pause
  - Repeat
  - Slow down
- 6) If needed, ask for clarification or a time out

## Instructions to Give to LEP Individuals (Clients)

- 1) Explain the role of the interpreter: to be a conduit ONLY
- 2) Speak slowly and speak only one or two sentences at a time
- 3) Be patient- the interpreter may ask you to slow down or repeat what you just said
- 4) Explain words or concepts upon interpreter's request
- 5) Allow the interpreter to finish interpreting before speaking
- 6) Do not ask the interpreters any questions or have any side conversations with the interpreter—please address all questions and concerns with me

## When You Work with Interpreters

- 1) Schedule additional time for any meeting
- 2) Walk through the instructions above with the interpreter
- 3) Pay attention to positioning
- 4) During the interpretation:
  - Maintain eye contact with the LEP person
  - Use first person
  - Use plain English
  - Speak slowly and clearly and pause
  - Speak one sentence at a time
  - Ask one question at a time
  - Allow the interpreter to finish interpreting before speaking
  - Explain words or concepts upon interpreter's request
  - Be aware of cultural differences
- 4) Always maintain control
  - Ask for full interpretation of side conversations
  - Do not allow the interpreter to answer for the LEP person
  - Inquire about interpretation that is longer or shorter than expected
- 5) Debrief with the interpreter at the end to address issues or concerns
  - Discuss any questions or concerns that emerged during the session
  - Invite suggestions from the interpreter on how you can work better with interpreters
  - Brainstorm solutions to employ the next time

## **English and Citizenship Class Referrals**

### **HUBBS Center for Lifelong Learning:**

HUBBS provides adult English Language Learning and Citizenship classes among other adult education programming.

Call (651) 290-4822

### **Minnesota Literacy Council Adult Literacy Hotline:**

The MLC Hotline provides information about English and citizenship classes across the state.

Phones are staffed 8:30 am to 4:30 pm, Monday through Friday.

Call 1-800-222-1990

### **Free Citizenship Classes**

#### **Minneapolis**

Lincoln Adult Education Center

Classes in 2 locations, offered all days of the week:

2700 E Lake St, Minneapolis (55406)

730 Hennepin Avenue, Minneapolis (55403)

Call 612 871 6350

#### **Rochester**

Hawthorne Education Center

700 4th Ave SE

Classes available on Mondays and Wednesdays, offered daytime or evening

Call 507-328-4440

#### **Worthington**

Southwest ABE- Worthington

117 11th Ave Ste 3

Classes available Mon-Thurs, offered daytime or evening

Call 507-376-6105

#### **Marshall**

Southwest ABE- Marshall

Classes available in evening

Call 507-537-7046