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CLARIFYING POLICY REGARDING ATTENDANCE AT NYIC IMMIGRANT CONCERNS TRAINING INSTITUTE

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 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 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 CLE trainings offered through the NYIC ICTI and cannot send employees to participate in the CLE 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 the NYIC policy for suspending/expelling members.

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 to prepare and file an application for BIA recognition for the member agency and accreditation for the organization's staff. Please contact the NYIC's Director of Training and Technical Assistance for more information.