

BEST PRACTICES TOOLKIT

Prescreening and Red Flag Review
A toolkit in the Group Processing Workshops Series

BEST PRACTICES DEFINED

Best practices are operating processes that produce consistently better results than other techniques. We glean best practices from the good practices of frontline organizations and leaders, and improve them through reflection, feedback, and experimentation. Best practices may be born through the efforts of one community and transformed when they are adopted by others in a new context, but the underlying understanding of their utility remains constant and is always measured against desired results.

ABOUT THIS SERIES

Identifying and spreading best practices requires a learning network for peer-to-peer exchange of ideas. This toolkit series serves as one mechanism for us to share and build on best practices.

ABOUT THIS TOOLKIT

The New Americans Campaign provides a significant percentage of naturalization services through group processing workshops – events serving 10-600+ lawful permanent residents (LPRs) within a single day. This group approach is critical to the Campaign’s goal of significantly increasing the number of LPRs who complete their naturalization applications. It also serves as a foundation for other immigration service delivery, including future opportunities arising out of Comprehensive Immigration Reform. This toolkit provides recommendations for organizations on how to screen LPRs before a workshop for their eligibility to naturalize, as well as how to review the suitability of their case for assistance in a workshop setting.

PRESCREENING AS TRIAGE

“Triage” is a concept we borrow from the medical field. Health care workers triage patients into the appropriate medical services based on their condition and need. Similarly, the New Americans Campaign uses prescreening to direct applicants to the appropriate level of care: a group processing workshop, a one-on-one appointment with a legal representative, or in some cases, advice against applying for naturalization. This ensures efficiency while not compromising quality of services, and is a key component of the workshop model’s efficacy.

PART 1: THE PROCESS OF PRESCREENING

What is prescreening?

We use the term “prescreening” to describe any type of review of a naturalization applicant’s case, whether in advance or on the same day, that occurs before the N-400 (naturalization application) completion station at a naturalization workshop.

Why prescreen for a workshop?

Prescreening for workshops is necessary because not all LPRs have naturalization cases that are appropriate for workshops. Unlike one-on-one appointments, which are easily adaptable to complex naturalization cases, workshops are ideal for LPRs with straightforward, uncomplicated cases. Workshops’ efficiencies hinge on their ability to utilize volunteers, who work most effectively with a limited number of contingencies. Prescreening also prevents LPRs from spending time in a setting that is inappropriate for their case.

What critical information is learned through prescreening?

1. If the applicant is not eligible to naturalize (and why)
2. If the applicant’s case is too complicated to be completed at a workshop (and why)

This information will allow the LPR to be triaged into the correct level of service. Applicants who appear ineligible to naturalize, or whose case is too complicated to be handled at a workshop, can be referred to a one-on-one appointment at a partner organization and to appropriate other resources, such as ESL classes.

TIP: In the New Americans Campaign, most collaborations opt not to explain complex legal issues to LPRs during the commotion of a workshop. Instead, if a complex issue arises at a workshop, they refer applicants with any chance of ineligibility to a one-on-one appointment. This provides these applicants with access to full information in the one-on-one session, although it does mean the applicant will leave the workshop without detailed information about the risks inherent in his or her case. Most collaborations in the New Americans Campaign have decided that this approach is justified, so long as the applicant understands the reason for the referral, the basic issues in his or her case, and why a one-on-one approach is appropriate for a full consultation and information.

What other information can be learned through prescreening?

1. If the applicant is likely eligible for a fee waiver, and under which qualification category
2. In what language the applicant should receive services

Advance language and fee waiver screening can help collaborations plan for which language volunteers and form translations are required, or how many fee waiver volunteers may be needed at an event.

How and where to prescreen:

New Americans Campaign partners conduct prescreening in many ways: via phone or in person, as a part of advance registration for an event, or as a first in-person step before the N-400 application is completed. The prescreening can be done on paper or through a computerized form, such as the comprehensive eligibility tool offered by [CitizenshipWorks](#). Prescreening can also happen at a prescreening event, designed only for that purpose, and most likely coupled with registration for an upcoming naturalization workshop.

TIP: One collaboration provides a short version of their prescreening questions online for LPRs to self-complete. Each LPR who submits the form online is then contacted by a legal representative, who reviews the answers and determines the appropriate next step for the applicant. The self-completion step cuts down on staff or volunteer time significantly.

Each prescreening method brings with it pros and cons:

PRESCREENING METHOD	PROS	CONS
<p>In advance</p>	<ul style="list-style-type: none"> ■ Fewer ineligible applicants attend workshops ■ Registration gives the collaboration a better idea of how many LPRs will come to the workshop; attendance can be capped without inconveniencing LPRs ■ LPRs can have questions about the process answered in advance, and often come better prepared and with necessary documents 	<ul style="list-style-type: none"> ■ Legal and non-legal volunteers or staff are required before the event ■ Prescreening time is spent on LPRs who may not attend the event, even though they appear eligible
<p>At the workshop</p>	<ul style="list-style-type: none"> ■ Prescreening time is only spent on LPRs who attend the event and will receive application assistance (if eligible) ■ Prescreening volunteers are only required at the event, not on an ongoing basis 	<ul style="list-style-type: none"> ■ Size of attendance is less predictable ■ Additional station space is needed at the event ■ A higher percentage of LPRs may arrive without necessary documents ■ Prescreeners at the event will need to process more LPRs who are ineligible or whose case is inappropriate for a workshop setting

Most collaborations employ a combination of approaches, depending on the workshop setting and the preferences of participating organizations. Almost all partners employ prescreening in advance for their in-house workshops. For larger, off-site workshops, the New Americans Campaign recommends some form of contact with LPRs before the workshop. This can be either a minimal amount of advance prescreening, or some way for LPRs to speak with someone about the requirements and process.

TIP: Some collaborations utilize multiple free Google Voice accounts to provide in-language recorded information on upcoming workshops, including the time and date and required documents for each event. Applicants are also able to leave messages on these mailboxes to receive a return phone call with more information.

TIP: One organization provides prescreening in advance of events through a set of 13 questions asked by hotline operators or interns. This “Stop Sheet” can be found at the end of the toolkit. At events, legal representatives prescreen LPRs again through a set of 29 questions that ask questions in multiple ways. This collaboration feels the repetition is a necessary part of ensuring LPRs are eligible to naturalize, as it helps overcome cultural differences that can lead to differences in question interpretation. For example, asking “Have you ever been arrested before?” versus “Have you ever been in a police car or spent a night in jail?” can elicit different answers.

Prescreening at a workshop differs from eligibility screening in a one-on-one appointment: During collaborative events, organizations should refrain from using the same eligibility screening forms used during one-on-one appointments in their offices. These forms typically include more detailed questions assessing immigration fraud, criminal history, etc., as well as eligibility for other immigration services not offered at the workshop. Since workshops are categorically not designed for complicated cases, asking these additional questions reduces the efficiency that the workshop model is designed to offer.

How long does prescreening by an advocate take?

As a best practice, prescreening should take between 5 and 20 minutes. If questioning takes longer than this, the prescreener may be asking unnecessary questions about a case that is too complicated to be handled at a workshop.

TIP: The “2 minute rule:” Occasionally, workshop station captains may need to decide how to handle a legal issue in an applicant’s case. It is a best practice that if the decision takes the station captain longer than 2 minutes to make, the case is not appropriate for the workshop, and the applicant should be referred to a one-on-one appointment. This frees up time and space to serve other LPRs with more straightforward cases.

Should applicants do self-screening?

Giving applicants an opportunity to complete a prescreening form on their own (in their primary language if necessary), including the red flag screening described in Part 2 below, is fundamental to ensuring LPRs understand and own the legal process they are undertaking. This process adds time but the benefits to the applicant are significant. An advocate or volunteer can then review the self-screening form with the applicant.

Who should tell an applicant if (s)he is ineligible for workshop services?

In order to avoid the Unauthorized Practice of Immigration Law, it is essential that a lawyer, BIA representative, or someone closely supervised by a lawyer deliver the final message to the applicant that (s)he is either ineligible to naturalize or that (s)he is not able to be served at the workshop. This does not mean that volunteers should not be used in the prescreening process; rather, they should be trained to refer applicants to the appropriate lawyer or BIA representative if there are any doubts as to the applicant's case. For example, one partner allows non-legal hotline operators or interns to conduct phone prescreenings. They record the information in a GoogleDoc, which legal representatives review with the applicant if necessary to advise how (s)he should proceed.

Non-legal volunteers and staff should be trained to not make a determination of eligibility, either for naturalization, or for the workshop. Collaborations that have experience working with volunteers know to repeat this guidance often during volunteer trainings, as well as in the orientation before the workshop. Station captains, or roving lawyers, can also ensure that non-lawyer volunteers refrain from giving legal advice. It is also a good practice to have written guidelines or "cheat sheets" of instructions for those in the prescreening area.

One collaboration's talking points: "We're doing free applications for citizenship today for LPRs with straightforward cases. If we can't help you today, this does not mean you're not eligible, but it means you can't get help with your application today at this workshop. Instead, you can come to one of our partners' offices so we can help you in a different setting."

PART 2: THE COMPONENTS OF PRESCREENING

What elements comprise a complete prescreening?

Prescreening consists of three components: Basic Review, English Proficiency Review, and Red Flag Review. Red Flag Review assesses for serious risks that could affect an LPR's status as well as his or her eligibility to naturalize, such as abandonment, good moral character, and other issues.

What are the Basic Review questions?

The following basic questions can quickly screen out individuals who are not currently eligible to naturalize. These questions include:

- Are you a green card holder?
- Are you 18 or older?
- Have you had your green card for at least 4 years and 9 months?
 - Or, have you had your green card for at least 2 years and 9 months and have been married to and lived with a US citizen for at least 3 years?
- Have you lived at your current address for at least the past 3 months? If not, have you lived in the state or USCIS district you are living in now for the past 3 months?
- Have you had continuous residence in the United States for at least 5 years?
- Have you been physically present in the United States for at least 30 months out of the last 5 years?

TIP: The [CitizenshipWorks](#) mobile app has a physical presence calculator that LPRs can use in determining their eligibility. Search for the app in the App Store or on Google Play.

Most collaborations in the New Americans Campaign do not screen out applicants on the basis of civics knowledge, because they assume the necessary civics knowledge can be learned within the time it takes USCIS to process the application. Also, most collaborations do not ask questions about the applicant's attachment to the principles of the US Constitution during prescreening, but rather cover these questions during the N-400 completion station.

How to determine English proficiency

All collaborations assess applicants' English proficiency during the prescreening process, and provide referrals to ESL classes for LPRs whose English is not strong enough to pass the English

portion of the naturalization interview (if required). Some collaborations assess applicants' English formally, through standardized tests, while others allow prescreeners to judge English levels based on conversations with applicants during the prescreening.

NOTE: Some applicants may qualify for a waiver for the English portion of the test. The [CitizenshipWorks](#) mobile app can help an LPR or advocate calculate if an applicant qualifies for the waiver. The app can also help an applicant prepare for the English and civics tests.

What questions comprise the Red Flag Review?

Most prescreenings include a series of yes or no questions gathering information about whether the applicant will face challenges with the good moral character requirements for naturalization, whether the applicant may have abandoned his or her lawful permanent residence, or whether other issues emerge that may make it risky for an LPR to apply for naturalization. If an applicant appears to have potential issues in any of these areas, that applicant can be triaged into a one-on-one appointment. Sample questions that partners use to screen for red flags can be found in the materials at the end of the toolkit. The New Americans Campaign also has many other sample documents on the [New Americans Campaign Ning website](#), available to non-profit naturalization practitioners upon request.

When planning a workshop, each collaboration should decide collectively which types of cases the partners will handle at the workshop, and which should be triaged out. Affirmative answers to some red flag questions may not negatively affect the applicant's prospects of naturalizing. Collaborations may therefore decide that certain good moral character issues can be handled in a workshop setting. For example, some set guidelines about allowable criminal activity, as long as applicants bring their court records and the crimes are minor enough.

Whatever policy a collaboration selects, everyone present needs to know it. Policies regarding which answers to prescreening questions automatically trigger a one-on-one referral should be written and incorporated into staff and volunteer trainings. Clear, agreed upon guidelines are essential.

Prescreening for the revised N-400:

The expanded questions in Part 11 of the revised N-400 form must now be incorporated into collaborations' prescreening processes, as they can reveal information that may pose challenges to good moral character requirements or other issues. The additional questions increase the importance of prescreening at workshops, the need for applicants to bring necessary documentation, as well as the necessity for collaborations to collectively decide on criteria for which naturalization cases they will handle at a workshop. The Red Flag Problem Situations sheet in this toolkit was updated after the revised N-400 was released.

Balancing efficiency and accuracy in questioning:

It is vital that applicants have an opportunity to complete a red flag screening sheet on their own so they become familiar with the red flags. Some collaborations favor asking prescreening questions in multiple formats – on the phone, and again in person, for example, or repeating the same question in slightly different ways. This promotes a more complete understanding of the applicant's case, but requires more time. Collaborations need to find a balance between these two competing forces. Collaborations that have a more streamlined approach to prescreening note that the final legal review that takes place at the end of the workshop is a second chance to double-check questions.



DO NOT FILE A CITIZENSHIP APPLICATION WITHOUT ANSWERING THESE QUESTIONS

U.S. CITIZENSHIP WORKSHOP

PLEASE ANSWER THE FOLLOWING QUESTIONS	YES	NO
Have you ever been outside the U.S. for six months or more since becoming a legal permanent resident?		
Have you ever registered to vote in the U.S.?		
Have you ever voted in a local, State, or Federal election?		
Have you ever filed a form or stated (orally or otherwise) that you are a U.S. Citizen?		
Did you enter a marriage with the sole purpose of obtaining immigration benefits?		
Did you lie to an immigration or consulate official to get your residency or any other immigration benefit?		
Have you ever gone to court to resolve a case?		
Have you ever been stopped or arrested by the police, immigration or any law enforcement official?		
Has a judge ever told you that your record was erased or wiped clean?		
Have you ever been convicted of any offense in the U.S. or elsewhere?		
Have you ever failed to pay child support if your children do not live with you?		
Have you ever failed to pay your income taxes?		
If you are male, have you failed to register for the Selective Service?		

IF YOU CHECKED “YES” TO ANY OF THE QUESTIONS ABOVE, YOU NEED LEGAL COUNSELING BEFORE APPLYING FOR CITIZENSHIP!

PLEASE LET US KNOW AND WE WILL BE GLAD TO ASSIST YOU.

RED FLAG PROBLEM SITUATIONS

IF ANY OF THESE THINGS ARE TRUE ABOUT YOU, YOU MUST SEE AN EXPERT IN IMMIGRATION LAW BEFORE APPLYING FOR NATURALIZATION. BE HONEST AND TRY TO REMEMBER IF YOU HAD ANY PROBLEMS IN THE PAST.

These things don't necessarily mean you can't apply for naturalization, but you should talk to an expert before you apply so you'll know whether you have a problem, and how you can best explain the problem to the Immigration Service.

Check the appropriate box if you have had any of the following problems:

- You made trips out of the U.S. for more than six (6) months
- You moved to another country since getting your green card
- You gained legal permanent residence status through asylum and you traveled back to your home country
- You are in deportation or removal proceedings - or - have you ever been deported
- You ever failed to file federal, state, or local income taxes or you owe taxes
- You haven't supported your children or you owe child support
- You are male and did not register for the Selective Service between the ages of 18 and 26
- You are on probation or parole for a criminal conviction
- You have contradictory information on your application
- You lied or committed fraud to get your green card or you weren't originally eligible for your green card when you got it
- You have been arrested or convicted of a crime or you have committed a crime
- You lied or committed fraud to receive or to continue to receive public benefits
- You helped someone enter the U.S. illegally, even if it was a relative
- You ever claimed to be a U.S. citizen but weren't
- You have been charged with committing domestic violence, child abuse, or child neglect
- You have voted illegally in the U.S. or registered to vote in the U.S. and weren't eligible to
- You have made a living by illegal gambling
- You have been involved in prostitution
- You have been associated in any way with terrorist organizations or the communist party
- You have been involved in genocide, torture, killing or hurting someone, forcing them to have sex or not letting them practice a religion
- You have ever served in a military or police unit, or rebel group, or a group that fights against the government
- You ever worked in a prison or detention camp
- You have been a part of a group that used weapons against other people
- You have sold or provided weapons to anyone
- You have ever received military or weapons training
- You have ever recruited minors under age 15 to fight in combat
- You have ever been court-martialed or disciplined while serving in the military
- You have ever been discharged from the military service because you were an immigrant alien

IF YOU CHECKED ANY OF THE ABOVE BOXES, YOU MUST CONSULT WITH AN IMMIGRATION EXPERT!

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