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Transitioning to a Paperless Immigration Law Office

By Alexandra Ciullo, Becki Young, and Andrew Nietor¹

As the COVID-19 pandemic hit and employees stayed home, immigration law practitioners were forced to transition to virtual operations quickly. Vaccines have become increasingly available and life is slowly returning to normal. But the past year has highlighted the benefits of having a paperless office. Those practitioners who were already paperless (or mostly paperless) had a much smoother transition to remote work than those who were not. Those firms that had everything in the cloud didn't face the same barriers to access as paper-based firms and could get to work faster. Those lawyers and staff who had systems and protocols for working in a paperless way reported less down time and fewer errors than those who had to develop them in a crunch.

In the field of immigration law, it is impossible to go fully paperless since United States Citizenship and Immigration Services (USCIS) still operates almost entirely on paper at this time. But that doesn't mean your office should stay behind the times, too.

Meet AILA members Becki L. Young, a Partner at Grossman Young & Hammond, a U.S. immigration and INTERPOL defense firm based in Silver Spring and Bethesda, Maryland, and Andrew K. Nietor, owner of an immigration and criminal defense firm based in San Diego, California. In this article they share why and how their firms began the transition to paperless before the pandemic hit, and what you should know to make the change in your firm.

The Benefits of a Paperless Office

The most obvious benefit of reducing your office's paper use is saving money on printing supplies. Printing only when absolutely necessary greatly reduces the hefty costs of paper, ink cartridges, and often troublesome printing and copying machines. A paperless office saves you time, too. Maintaining your documents and files in electronic format means you no longer need to make countless trips to the

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printer, physically assemble hundreds of pages of paper, or repeatedly take files in and out of filing cabinets. For example, lengthy petitions can be assembled with just a few clicks using Adobe Acrobat or the document assembly feature of case management software like PrimaFacie.

Additionally, virtual workspaces are easily searchable using services like [QuickJump](#) by TechHit. This service allows you to search your entire server for documents, files, or other materials containing a certain word, phrase, or character. The ability to search quickly for a specific file is a critical time saver. No more having to rummage through files piled on your desk or going to storage to check out a file, only to discover someone took it without filling out the log, forcing you to spend hours hunting through offices and desks to locate it before you can call a client to give a status update or work on a petition. Having all your office's files and documents conveniently consolidated on one server allows you to spend your valuable time in more productive, meaningful ways than organizing and reorganizing countless papers.

Beyond the material benefits of a paperless office, going paperless also affords you the incredible flexibility to work from anywhere, since materials saved to your office's server can be accessed from any computer. This flexibility is crucial for employees who are parents, frequent travelers, and those who simply don't want to be chained to a physical office. They can stay on top of their responsibilities even if they cannot make it into the office that day. A paperless office is also an excellent way to open up your office's hiring pool to the entire world—something that would be impossible for an office relying heavily on paper. For example, Becki counts on employees and contractors located in Chicago, Pittsburgh, Greece, the Philippines, and France – in addition to the Washington DC area where her firm is physically located. The fact that her firm requires very little interaction with paper and the physical office space makes it easy for employees near and far to be equally productive and engaged in their work.

The Government's Transition (Slow Migration) To Paperless Operations

The practice of immigration law is inextricably linked to government agency operations, more so than many other fields of law. Therefore, an immigration law office's transition to a virtual workspace can only go so far until the relevant government agencies, mainly USCIS, transition too. USCIS is behind the curve on this modernization as it continues to operate almost exclusively on paper. Of over a hundred USCIS forms, only eleven can be filed and paid for online. They are:

- Form I-90 | Application to Replace Permanent Resident Card
- Form I-130 | Petition for Alien Relative

- Form N-400 | Application for Naturalization
- Form N-600K | Application for Citizenship & Issuance of Certificate (Under Section 322 of the INA)
- AR-11 | Alien's Change of Address Card
- G-639 | Freedom of Information/Privacy Act and Online FOIA Request
- Form N-600 | Application for Certificate of Citizenship
- Form N-336 | Request for a Hearing on a Decision in Naturalization Proceedings (Under Section 336 of the INA)
- Form N-565 | Application for Replacement Naturalization/Citizenship Document
- Form I-539 | Application to Extend/Change Nonimmigrant Status

E-filing options for immigration court are also limited. The EOIR Courts and Appeals System (ECAS) allows for electronic submission of court and appeal documents, electronic fee payments, and accessing documents that are part of the record of proceedings. While ECAS is currently not available at all immigration courts, EOIR plans to complete the rollout to all courts by the end of 2021. Unfortunately, ECAS does not facilitate service on ICE like the PACER system in federal court. Therefore, even if you file something through ECAS, you still need to serve a copy on the ICE-Office of Principal Legal Advisor (OPLA). ICE has developed its own e-service system. Once registered (eserviceregistration.ice.gov), you have the option to service documents on any ICE office for any case. This method has the added benefit of providing email notification verifying acceptance of the document.

While government agencies struggle to modernize, Becki and Andrew recommend e-filing anything you can. With EOIR, if a case does not begin with ECAS (initiated by e-filing Form E-28), it will continue as a paper file and you cannot convert it to ECAS later. That means older cases initiated before ECAS or cases where the attorney opts out and starts the case with a paper filing will continue to be paper files. A case will remain an ECAS case even if there is a change in attorneys, or a change of venue (as long as the receiving court uses ECAS).

To the extent possible, you should also begin integrating your paperless practices with inherently in-person work. For example, Andrew brings his tablet with him to court so that he can quickly locate documents in real time. He also brings his tablet to USCIS interviews and only prints documents if he thinks the officer will request a hard copy. It is important to be aware of any restrictions or limitations on the types of electronic devices permitted in different courts, government offices, and detention facilities. If there is a concern about internet access and the ability to access cloud-based files, identify documents you anticipate needing and have them already downloaded to your PC, in portable document format (PDF), for instance.

How To Take Your Office Paperless

For Becki and Andrew, paperless means completing the same tasks as always, just electronically. The most basic step in the transition is to begin using a case management software that electronically stores and tracks client data. There are general practice management products and [immigration-specific case management](#) software available. Examples of general software are PracticePanther, and MyCase. Immigration-specific software examples are INSZoom and LawLogix. Your office can decide which type of software it wishes to use. Tools like [Zapier](#) can integrate general and immigration-specific software.

Beyond using an electronic case management system, to go paperless your office should digitize and relocate all its files to a secure online backup, both onsite and in the cloud. All employees receive unique login credentials to access the server. Saving all materials electronically in one central location is extremely convenient, such as when a client calls unexpectedly with a question about their case and you need to quickly locate their file.

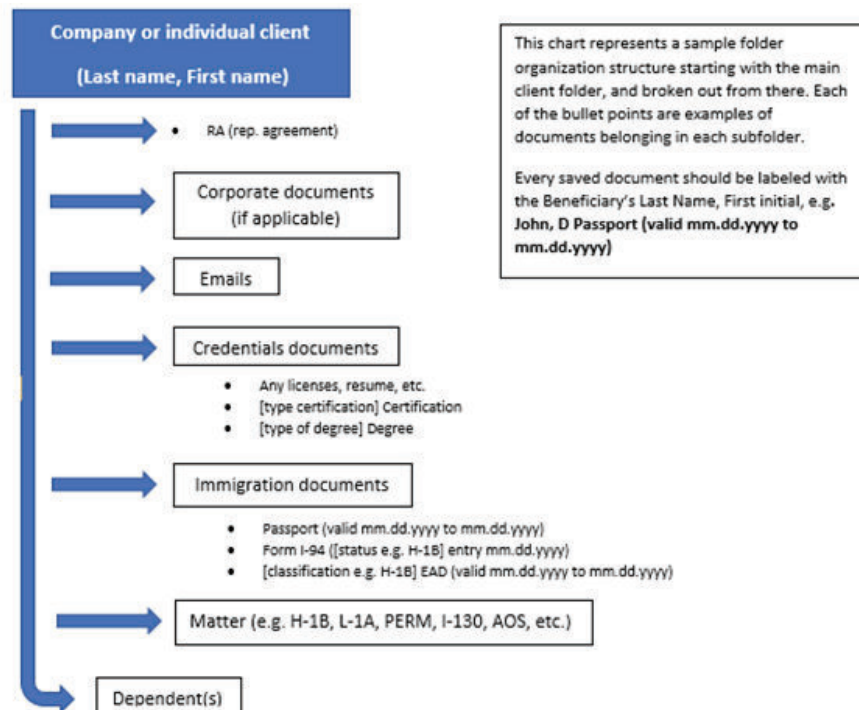
Of course, nearly all submissions to USCIS must still be printed and sent via postal mail. But it is no longer necessary to waste hundreds of pieces of paper making copies of submissions for your office and client. Instead, your office can keep an electronic copy of the full submission and send the client this electronic copy or a link to access it on their own via secure platforms like Dropbox or your client portal. Then, both your office and the client will always have access to the submission and do not need to worry about storing or misplacing bulky packets of paper.

Admittedly, some materials cannot adequately be replicated electronically. For example, Becki strongly prefers reading immigration statutes and regulations on paper because of the ease with which she can visualize the content immediately before and after the provision she is researching. Similarly, even though Andrew uses his laptop in court, exhibits must still be presented in court on paper because of Evidence Rules.

Maintaining Organized, Complete Files

If your office is going to make the transition to a paperless workspace, it is critical that you do so in an orderly manner. One of the greatest benefits of a virtual workspace is the ease with which you can keep materials organized. Becki and Andrew recommend that your office employ a standard method of organization so that you, and even employees unfamiliar with a matter, know exactly where to look for specific types of documents. While it is nearly impossible to lose documents permanently if they are saved electronically, it is just as easy to be disorganized with electronic documents as it is with pieces of paper, and it can be much harder to find an improperly named electronic document than to find a misfiled paper one. Discipline is still required to maintain a neat and orderly workspace, even if it is virtual.

Standard naming conventions keep your virtual workspace tidy. For example, Becki's firm follows a naming protocol that varies based on petition type. It outlines how to name specific documents, folders, and subfolders. Below is an example of the basic naming conventions for a standard case. Remember: with services like QuickJump, you can instantly access one of these many folders by simply typing in a few letters.



In addition to keeping your electronic files organized, you should ensure they are complete. Anything you would normally include in a physical file must be included in the electronic file too—and in the modern era that includes emails and text messages. TechHit offers a product called [MessageSave](#) that allows you to save Outlook emails to your server as individual files. Similar services, such as [Zipwhip](#), are available for businesses that communicate with clients via text message. By saving all internal and external email correspondence related to a case, you will no longer need to scour your inbox for important information contained in an email.

Three Hard Won Lessons

Becki and Andrew share what they have learned throughout their firms' transitions to a virtual workspace:

Pick one platform and stick with it. Andrew started with a little of this and a little of that as he transitioned to paperless. He found himself with a patchwork of systems, needing to find things in different places which just slowed him down. Therefore, he recommends your office's operations should be uniform. For example, if your office chooses to manage cases via INSZoom, all case information should be entered there, not some in INSZoom, some in Microsoft Word, some on paper, etc. The transition to a paperless office will not be instant but it is important to set a timeline for the transition, so it is eventually completed. Avoid getting stuck mid-transition with documents in different formats and locations that makes it harder to find what you are looking for instead of easier.

Backup. Backups of the materials saved on your office's server are critical and should be redundant. It is recommended that your office have three separate backups (avoid tapes which are outdated—Becki learned this the hard way, years ago). For example, one backup could be to the cloud server, the other to the case management platform, and the third to an employee's device. Employees should understand how to use the backup system, and the backup system must be regularly checked to confirm it is working properly.

Keep tabs on security. Keeping clients' information secure is essential.² Therefore, employees should know where data is stored and how to properly save electronic materials that contain personally identifiable information (PII). Your office should be engaged with its software vendors in the event that their terms and conditions change. Know that those terms and conditions usually try to avoid liability of the vendor for data breaches and place the responsibility squarely on the law firm, so it is critical to have good information technology support and stay abreast of the latest threats. Always patch and update software and train your staff regularly on cybersecurity and confidentiality obligations. Clients

should send documents containing PII via secure platforms such as Box, Dropbox, or ShareFile, not email. Ransomware and phishing attacks have increased exponentially during the pandemic, hitting some well-known immigration firms recently.

How Clients Make the Paperless Transition with You

The transition to electronic operations will be easier for some clients than others. For non-tech savvy clients, smartphone apps can facilitate their role in your office's transition. For example, [HelloSign](#) allows them to provide a legal e-signature right from their mobile device. Similarly, CamScanner and Scanner App use the smartphone camera to scan documents and send them directly to a recipient, including as a PDF (and if you have an iPhone, you can scan directly from the Notes application). If you expect clients to provide documents or information to you electronically, be sure to discuss that from the beginning and consider including that practice in your representation agreements. These expectations of clients are [important to establish](#) up front. It also provides an opportunity to figure out just how tech savvy the client is and what they will be capable of doing.

For those who express concerns about your office's transition, you should assure them that their case information will be just as secure online, if not more. Provide clear instructions for how they should send and receive documents online. You should also inform them about online scams so that they can tell the difference between official communications from your office and phishing attempts.



Conclusion

The transition to a paperless office can vary in format and degree across offices, but there is no doubt that embracing the world's shift toward virtual workspaces is hugely beneficial for the practice of immigration law. The switch will save your office significant money and time and expand its reach to new geographical levels. There exists a plethora of convenient, easy-to-use software and online services that can facilitate the transition and make your virtual workspace as efficient and organized as possible. If you haven't already, consider making the switch to paperless to modernize and improve your office's operations while simultaneously providing higher quality services for your clients.

² ABA Model Rule 1.6(c), Confidentiality of Information, states "A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client." While we site to the Model Rules here, you should research and defer to applicable state Rules of Professional Conduct and other applicable statutes, where they apply.