

COMMITTEE OF BAR EXAMINERS OPEN SESSION AGENDA ITEM

AGENDA ITEM: April 2015 – O-300

DATE: April 13, 2015

TO: Subcommittee on Operations and Management

FROM: Greg Shin, Director for Operations and Management

SUBJECT: **PROPOSED POLICY RE ELIGIBILITY DOCUMENTS REQUIRED FROM REFUGEES**

BACKGROUND

Foreign law student and attorney applicants seeking to register with the Committee of Bar Examiners (Committee) and take the California Bar Examination (CBX) are required to provide Certificates of Good Standing (CGS) from the jurisdictions in which they were admitted. In the past, the Committee has permitted applicants who are unable to obtain copies of important documents because of political strife to establish their eligibility in other ways. In March 1991, the Committee adopted the following policy:

If an applicant has come to the United States and is classified by the U.S. government as a refugee, that person may not have – and not be able – to obtain all the required documentation. They must submit a petition explaining their situation.

Those people who previously fled communist countries must try to get documents, keep copies of their requests and, if they are unable to get any response, they must document their efforts in the petition.

If, due to political considerations, applicants are unable to submit all the required documentation, they must submit notarized photocopies of the documents they do possess. They must also submit five (5) letters of reference from persons who can certify their education, qualifications and experience. In their petition, they must explain their situation and request the Committee to accept the notarized photocopies and letters in lieu of the required documentation.

DISCUSSION

Recently, the Committee considered a petition from a foreign attorney applicant who was seeking a waiver of the eligibility document requirements because the applicant was unable to obtain a CGS due to political issues in the applicant's foreign country. The Committee granted applicant's petition, subject to receipt of five (5) letters of reference

from persons who could certify the applicant's education, qualifications and experience, in lieu of a CGS, which is consistent with the Committee's policy.

At the same time, the Committee directed Staff to revise the policy language to reflect current political realities and to bring back the proposed revisions for consideration by the Committee.

The proposed revisions to the policy are noted below:

If an applicant has come to the United States and is classified by the U.S. government as a refugee, that person may not have – and may not be able – to obtain all the required documentation to establish his/her eligibility to register as a foreign-educated law school student or attorney .

If the applicant is unable to obtain the required documentation because he/she previously fled a conflict-ridden country or for some other political reason, the applicant may submit a petition to the Committee, which explains the situation and seeks a waiver of the document requirements that are necessary to register as a foreign law student or attorney with the Committee. The applicant must document his/her efforts to obtain the required documents, including the requests that were made and any response or the lack of response to those requests.

In addition, notarized photocopies of the documents that are in the possession of the applicant and five (5) letters of reference from persons who can certify the applicant's education, qualifications and experience must also be submitted.

RECOMMENDATION

It is recommended that the revised Policy Regarding Eligibility Documents Required From Refugees be adopted.

PROPOSED MOTION

If the Subcommittee agrees with the above recommendation, the following motion is suggested:

Move that the following revised Policy Regarding Eligibility Documents Required From Refugees be adopted:

If an applicant has come to the United States and is classified by the U.S. government as a refugee, that person may not have – and may not be able – to obtain all the required documentation to establish his/her eligibility to register as a foreign-educated law school student or attorney.

If the applicant is unable to obtain the required documentation because he/she previously fled a conflict-ridden country or for some other political reason, the applicant may submit a petition to the Committee, which

explains the situation and seeks a waiver of the document requirements that are necessary to register as a foreign law student or attorney with the Committee. The applicant must document his/her efforts to obtain the required documents, including the requests that were made and any response or the lack of response to those requests.

In addition, notarized photocopies of the documents that are in the possession of the applicant and five (5) letters of reference from persons who can certify the applicant's education, qualifications and experience must also be submitted.