

Recognition and Accreditation Program

Frequently Asked Questions



Office of Policy

Office of Legal Access Programs

These Frequently Asked Questions (FAQs) are being provided as a public service and do not constitute legal advice or supersede statute, regulations, or case law.

For more detailed information on requirements, interested parties should consult federal regulations (particularly 8 C.F.R. § 1292). 81 Fed. Reg. 92346 (Dec. 19, 2016).

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Frequently Asked Questions

General:

1. What regulations govern the Recognition & Accreditation Program?

The federal regulations at 8 C.F.R. §§ 1292.11 to 1292.20 govern the Recognition & Accreditation (R&A) Program. At the direction of the Assistant Director for Policy, the Office of Legal Access Programs (OLAP) administers the R&A Program.

2. How do I find Recognized Organizations and Accredited Representatives?

DOJ Recognized Organizations and Accredited Representatives are listed alphabetically on the Roster of Recognized Organizations and Accredited Representatives (Roster), which can be found at: <https://www.justice.gov/eoir/recognition-accreditation-roster-reports>. The Roster includes the names and addresses of active Recognized Organizations and the names of their Accredited Representatives.

The Roster also identifies the type of accreditation for each representative. An Accredited Representative who received partial accreditation has the designation “DHS only” after his/her name, which indicates that the representative is only authorized to represent clients before the Department of Homeland Security (DHS). An Accredited Representative who received full accreditation is authorized to represent clients before DHS and the Executive Office for Immigration Review (EOIR) (the immigration courts and the Board of Immigration Appeals (BIA)) and has no added designation after his/her name.

3. How do I make a complaint about a Recognized Organization or Accredited Representative?

DOJ Recognized Organizations and Accredited Representatives must adhere to certain eligibility criteria and professional conduct rules. The following regulations contain a non-exhaustive list of these criteria and rules:

	<u>Eligibility Criteria</u>	<u>Professional Conduct Rules</u>
Recognized Organizations:	8 C.F.R. § 1292.11	8 C.F.R. § 1003.110(b)
Accredited Representatives:	8 C.F.R. § 1292.12	8 C.F.R. § 1003.102

If you believe a Recognized Organization or Accredited Representative has engaged in misconduct, you should contact the entities listed below, depending on whether the alleged misconduct occurred before the U.S. Citizenship and Immigration Services (USCIS) or before EOIR and whether alleged fraud was involved.

For complaints about practice before USCIS:

DHS Disciplinary Counsel
11411 East Jefferson Ave.
Detroit, MI 48214
DisciplinaryCounsel@uscis.dhs.gov

For complaints about practice before EOIR:

Submit Form EOIR-44 (<https://www.justice.gov/eoir/file/eoir44/download>) to:

Office of the General Counsel
Attn: Disciplinary Counsel
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041

For complaints about possible fraud:

Contact the EOIR Fraud Abuse Prevention Program at:

Hotline: 1-877-388-3840
EOIR.Fraud.Program@usdoj.gov

See <https://www.justice.gov/eoir/submit-complaint> for more information.

Please include as much information and supporting documentation as possible with your complaint.

If you believe that a DOJ Recognized Organization and/or Accredited Representative no longer qualifies for recognition or accreditation or if you have other concerns about the conduct of a DOJ Recognized Organization and/or Accredited Representative, you may email R-A-Info@usdoj.gov. Alternatively, you may mail your complaint to:

R&A Coordinator
Office of Legal Access Programs
Office of Policy
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2500
Falls Church, VA 22041

Please include as much information and supporting documentation as possible with your complaint.

4. Who is an authorized officer?

In order to qualify for recognition, an organization must have an authorized officer. 8 C.F.R. § 1292.11(a)(5). An authorized officer is someone who has authority to speak and act on behalf

of the organization in matters related to the R&A Program. He or she need not be in the highest position of authority at the organization but should be someone who is familiar with the organization's immigration services and is accessible to speak to EOIR on an as-needed basis. Each organization will have one authorized officer who will be the principal point of contact for all recognition and accreditation matters. Even an organization that has multiple extension offices should only have one authorized officer who is familiar with the full extent of the organization's immigration services.

5. What are the authorized officer's responsibilities?

The authorized officer applies for recognition on behalf of the organization and for the accreditation of the organization's representatives. He/she must review and affirm the truth of all information and supporting documents provided with the applications for recognition and/or accreditation. For example, the authorized officer should make sure that:

- The application forms are completed correctly, signed, and dated;
- All of the documents required by the regulations and form instructions are included with the applications;
- All letters of recommendation have been signed; and
- Résumés are updated and include the individual's relevant immigration experience.

The authorized officer also has the duty to report to EOIR, through the Office of Policy, promptly and in writing, any material changes in the organization or to the status of its Accredited Representatives, including alterations to:

- The organization's name, mailing address, phone number, web address, email address, structure, or non-profit or federal tax-exempt status;
- The identity or designation of the authorized officer; and
- The status of an Accredited Representative with the organization (e.g., the date that an Accredited Representative left the organization; whether he/she was the last Accredited Representative at the organization; any information about the individual's eligibility for future accreditation, including concerns related to character and fitness; or a name change).

See 8 C.F.R. § 1292.14(a). With respect to identifying a change in the designation of the authorized officer, if the designated authorized officer still works with the organization, he/she should notify EOIR in writing of the new authorized officer. If the designated officer no longer works with the organization, the Executive Director should notify EOIR in writing of the new authorized officer. If the authorized officer will be out of the office for an extended period of time (e.g., on vacation, on sabbatical, on medical leave, etc.), the authorized officer should notify EOIR in writing prior to his/her departure with the name and contact information for the temporary replacement.

6. Can the authorized officer and an Accredited Representative be the same person for a Recognized Organization?

Yes, it is possible for an Accredited Representative to be the authorized officer. The Accredited Representative that assumes the role of the authorized officer must be at a sufficient level of authority within the organization to act on its behalf by completing applications and certifying the truth of the contents of the applications. *See* 8 C.F.R. § 1292.11(a)(5). In the event the authorized officer is an Accredited Representative or a proposed representative, this same person would complete and sign both declarations as authorized officer and proposed representative in Part 3 and Part 4 of Form EOIR-31A.

7. Where does EOIR provide information on the R&A Program?

EOIR's website has additional information on the R&A Program, including links to the required forms, the relevant regulations, and the R&A Rosters. The website is available at <https://www.justice.gov/eoir/recognition-and-accreditation-program>.

8. What is EOIR's contact information for the R&A Program?

Email: R-A-Info@usdoj.gov

Mail: R&A Coordinator
Office of Legal Access Programs
Office of Policy
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2500
Falls Church, VA 22041

Phone Number: 703-305-9029

Fax Number: 703-305-9884

Application Process:

9. Is there a fee to apply for recognition or accreditation?

No, there is no fee to apply for recognition or accreditation. An organization must use Form EOIR-31 to apply for recognition and Form EOIR-31A to apply for accreditation of a representative. These forms are available on EOIR's website at <https://www.justice.gov/eoir/recognition-and-accreditation-program>.

10. Where should an organization send its applications for recognition and accreditation?

Organizations should send their complete original applications and supporting documentation to the R&A Coordinator by email to R-A-Info@usdoj.gov, or they can send these by mail or shipping service to the mailing address listed in FAQ #8. EOIR will accept digital and electronic signatures on all applications submitted through the R&A Program, regardless of method of submission to EOIR. The resulting digital or electronic signature must clearly display the signer's name or a reproduction of the signer's handwritten signature. The signature should also include a printed (i.e., handwritten in print or typed) version of the signer's name below or adjacent to the signature if it is not provided in the digital or electronic signature itself. EOIR will accept electronically-reproduced copies of documents containing digital, electronic, or "wet" signatures. EOIR will also continue to accept original documents containing wet signatures. Submitters must maintain original copies of all documents submitted by email and be prepared to produce them for EOIR upon the agency's request.

An organization must serve exact copies of the application and any supplemental information on the appropriate USCIS District Office(s). The organization must also provide EOIR with proof of service on the correct USCIS District Office.

11. What is a proof of service?

In this context, a "proof of service" (or a "certificate of service") is an organization's formal guarantee that it has sent an exact copy of its submission to the appropriate USCIS District Office(s). USCIS has the same obligation to the organization when it provides EOIR any documentation in response to the organization's application. Every submission related to an application for recognition or accreditation, whether an application, supporting documentation, recommendation, extension request, response to a recommendation, or other formal submission, must contain a proof of service.

The proof of service is located in Part 9 of the recognition application, Form EOIR-31 and Part 5 of the accreditation application, Form EOIR-31A. An organization should make sure to complete, date, and sign these sections, indicating which USCIS District Office(s) have been served. An organization is not required to serve USCIS in routine correspondence with EOIR, such as reporting changes as required under 8 C.F.R. § 1292.14(a).

Below is an example of a properly completed proof of service.

Part 9. Proof of Service on USCIS District Director(s) (attach additional sheets of paper as necessary)

I, John Doe, on behalf of the organization, ABC Legal Services, mailed or delivered a copy of this Form EOIR-31 and its attachments on 2/20/2020 (month/day/year) to:

(1) San Antonio
USCIS District Office
20760 US-281, Suite A San Antonio TX 78258
Number and Street City State Zip Code

(2) _____
USCIS District Office

Number and Street City State Zip Code

John Doe
Signature

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Form EOIR-31
Rev. Feb. 2020

12. To which USCIS office(s) must an organization send copies of the applications for recognition and accreditation?

An organization must send a copy of its complete application packet to the USCIS District Director in the jurisdiction where the organization's headquarters is located and to the USCIS District Office(s) where immigration legal services will be rendered, if that is a different USCIS District. For example, if an organization's headquarters is in Dallas, TX, but the immigration legal services office is in San Antonio, TX, the organization must send copies of the complete application packet to both the Dallas District Office and the San Antonio District Office.

13. How does an organization find the correct District Director on whom to serve the application packet and other documentation?

The District Director's address can be found on USCIS' website at <https://www.uscis.gov/scams-fraud-and-misconduct/avoid-scams/become-an-authorized-provider>. Enter the organization's zip code into the USCIS District Office Finder by entering the organization's zip code at the bottom of the page. The tool will provide the mailing address for the application package and documentation. You may send all information to the attention of the District Director. [See example below]

USCIS District Office Finder

Use the form below to locate your USCIS district office.

Washington (WAS)

Mailing Address:

USCIS District Director
2675 Prosperity Avenue
MS2480
Fairfax, VA 20598

14. Once an organization submits an application, how long does it take USCIS to respond?

An organization must provide USCIS a copy of the application it submitted to EOIR. When USCIS receives the application, USCIS has 30 days to review it and respond with a recommendation. If USCIS submits an unfavorable recommendation, the organization has 30 days to respond. Both USCIS and the organization are able to request an extension of time to submit a recommendation or response, though neither extension is automatic.

The existing deadline stands unless EOIR grants the extension. If EOIR grants an extension, it is generally not for more than an additional 30 days. Longer periods may be requested, but EOIR will not grant a longer extension request unless the reason is persuasive.

15. What is EOIR's determination process?

When EOIR receives an application for recognition or accreditation, it reviews all of the documentation in the application packet, as well as the recommendation letter from USCIS, if any, and issues a written determination on each application. EOIR mails copies of the determination letter to the organization and the relevant USCIS District Office(s). If EOIR approves an application, the name(s) of the Recognized Organization and/or Accredited Representative(s) will be added to the R&A Rosters.

16. What is the consequence of an organization receiving a recommendation from USCIS, whether for or against approval of an R&A application?

USCIS is a valued partner in EOIR's R&A process. The regulations at 8 C.F.R. § 1292.13(b) allow USCIS 30 days from service of an organization's application to submit a recommendation to EOIR. USCIS may recommend approval or disapproval of an R&A application. A USCIS recommendation, either for or against approval, is not the final determination on a pending R&A application. Rather, EOIR will take the recommendation into account but make an independent decision based on the requirements of the regulation.

In the case of an unfavorable recommendation, an organization has 30 days from receipt of the recommendation to submit a response to EOIR. The organization must also submit proof of service of the response on the USCIS office that provided the recommendation. (See FAQs #11, 12, 13 on serving documents on USCIS.) Before making a final determination on the application, EOIR will examine the unfavorable recommendation and consider whether the organization's response addresses the points raised by USCIS.

17. What is a Request for Reconsideration?

If an organization believes that EOIR has made a factual and/or legal error in disapproving an application for recognition or accreditation, or in terminating recognition or accreditation, the organization may request that EOIR reconsider the decision. 8 C.F.R. §§ 1292.13(e), 1292.16(f), 1292.17(d). The request must be mailed to the address listed in FAQ #8, in writing, and postmarked within 30 days of the date on the disapproval or termination letter. The organization should not submit any new material with the request for reconsideration. Rather, the request should point out the specific factual and/or legal error(s) the organization believes EOIR has made and contain an explanation, as necessary. *Matter of Bay Area Legal Services, Inc.*, 27 I&N Dec. 837 (DIR 2020). If the organization would like to submit new information, it should do so with a new application. EOIR will not consider new information submitted with a request for reconsideration. Where the EOIR determination disapproves the renewal of an organization's recognition or a representative's accreditation, the recognition or accreditation will remain valid pending the reconsideration process.

18. What is a Request for Administrative Review?

An organization may request administrative review if EOIR (1) either disapproved an application for initial recognition or accreditation, disapproved an application for renewal of recognition or accreditation, or terminated recognition or accreditation; and (2) denied the organization's request for reconsideration. The request must be either sent by email to R-A-Info@usdoj.gov or by mail or shipping service to the address listed in FAQ #8, in writing, and postmarked within 10 days of the date of the letter denying reconsideration. 8 C.F.R. § 1292.18(a)(1). EOIR will accept digital and electronic signatures on all applications submitted through the R&A Program, regardless of method of submission to EOIR. The resulting digital or electronic signature must

clearly display the signer's name or a reproduction of the signer's handwritten signature. The signature should also include a printed (i.e., handwritten in print or typed) version of the signer's name below or adjacent to the signature if it is not provided in the digital or electronic signature itself. EOIR will accept electronically-reproduced copies of documents containing digital, electronic, or "wet" signatures. EOIR will also continue to accept original documents containing wet signatures. Submitters must maintain original copies of all documents submitted by email and be prepared to produce them for EOIR upon the agency's request. Upon receipt, the request for administrative review will be forwarded to the office of the EOIR Director. The EOIR Director or any officer within EOIR whom the Director delegates other than the Assistant Director for Policy (or the Assistant Director for Policy's delegate) will review the application. The organization should not submit any new material with the request for administrative review. Rather, the request should point out any specific factual and/or legal error(s) the organization believes the Assistant Director for Policy (or the Assistant Director for Policy's delegate) has made and contain an explanation, as necessary. The EOIR Director will not consider new information submitted with a request for administrative review but may request additional filings from the organization, in the Director's discretion. Where the EOIR denial of reconsideration involves the renewal of an organization's recognition or a representative's accreditation, the recognition or accreditation will remain valid pending the administrative review process.

Please note that requests for administrative review fall under the purview of the EOIR Director and not the Office of Policy. As such, once a request for administrative review has been made and the request forwarded to the EOIR Director, neither OLAP nor the Assistant Director for Policy can provide any status updates or other information about the pending request.

19. What are best practices for submitting an application, and what are the common deficiencies that will slow down the determination process?

Best Practices

- Please print your application single-sided.
- Do not include entire PowerPoint presentations or instructional manuals as proof of attendance at a training. If an agenda or list of topics was not provided by the training instructor, you can include a list of topics covered in the training.
- Please ensure that the applications include a valid phone number and email address for the authorized officer. See FAQ #4 for more information on who the authorized officer should be.
- If you are sending motions or other work product that contains clients' personally identifiable information, please ensure that this information is redacted in full before sending the documentation to EOIR.
- Ensure that your cover letters and letters of recommendation cite to current, not repealed, R&A regulations and are addressed to OLAP, Office of Policy, rather than to the BIA.
- Please do not send original and/or non-required documents containing personally identifiable information, such as birth certificates, copies of passports, or social security cards.

- Do not use staples.
- Do not send folders, binders, etc. Use binder clips for large submissions.
- Do not three-hole punch submissions on the side; if you would like to hole punch your submission, you may do so using a two-hole punch centered at the top.
- Do not send form instructions.

Common deficiencies that will slow down the determination process

- Please make sure that all relevant parts of the application forms are properly completed and, in particular, that the following sections are signed:
 - Declaration of Authorized Officer and Proof of Service on USCIS District Director(s) on Form EOIR-31 and
 - Declaration of Authorized Officer, Declaration of Representative, and Proof of Service on USCIS District Director(s) on Form EOIR-31A.
- If your organization is already recognized, before submitting an application, please check the R&A Roster (available at <https://www.justice.gov/eoir/recognition-accreditation-roster-reports>) to see how your organization's name appears on the Roster. If your organization is applying under a different name, provide documentation that links the previous name to the current name. Be sure to promptly notify EOIR of this and any other material changes, pursuant to 8 C.F.R. § 1292.14(a).
- Similarly, ensure that your organization's address is up to date. If the address on the Roster is not correct, please include with your application a letter signed by your authorized officer informing EOIR of the address change. It is insufficient to notify EOIR of this change on Form EOIR-31 or -31A alone. In the alternative, the authorized officer can send an email to R-A-Info@usdoj.gov informing EOIR of the change of address.
- Please ensure that the authors of letters of recommendation are qualified to write the letters. See FAQs #47 and 48 for more information on who is qualified to write letters of recommendation.
- Do not submit "form" or "boilerplate" letters of recommendation that merely change the proposed representative's name. The letters should describe in detail the proposed representative's qualifications to be an Accredited Representative and the author's personal knowledge thereof.
- For accreditation renewal applications, please only send proof of formal, immigration-related training taken since the date of last accreditation, not evidence of prior trainings taken.
- For extension of recognition applications, please submit the evidence of eligibility. Review 8 C.F.R. § 1292.15 and FAQs #67-75 for more information.
- For renewal of recognition applications, please submit an annual summary for each calendar year and/or partial year to date. See 8 C.F.R. §§ 1292.14(b), 1292.16(c)(1), and FAQs #42, 43, and 64 for more information.
- Ensure that your letters are mailed to OLAP, Office of Policy, not the BIA.
- Check your expiration date on our Roster to confirm when you should apply for renewal.

Recognition:

20. What is a Recognized Organization?

An organization is “recognized” when DOJ/EOIR gives a non-profit organization in the United States permission to practice immigration law through Accredited Representatives before DHS only (partial accreditation) or before DHS and EOIR (full accreditation). EOIR includes the immigration courts and the BIA. By regulation, a non-profit, federally tax-exempt, religious, charitable, social service, or similar organization established in the United States that has been approved for recognition is called a DOJ Recognized Organization. (See FAQ #44 on Accredited Representatives.)

An organization that seeks to practice immigration law solely through attorneys does not need to be recognized because attorneys are authorized to appear before DHS and EOIR without DOJ Recognition or Accreditation.

21. If DOJ recognizes an organization, does that mean that the organization provides better immigration legal services than other, non-recognized organizations?

DOJ Recognition of an organization does not constitute an endorsement of the organization by DOJ/EOIR but rather indicates that the organization is qualified to provide immigration legal services through non-attorney staff members or volunteers in accordance with federal regulations. Organizations that provide services only through attorneys cannot apply for DOJ Recognition because those organizations are already authorized to practice immigration law. An organization’s lack of DOJ Recognition should not be construed as a comment on the legitimacy of any services provided.

22. How can a non-profit organization become recognized?

A non-profit organization interested in obtaining recognition must apply with EOIR and be approved. To apply for recognition, the organization must submit a *Request for New Recognition, Renewal of Recognition, or Extension of Recognition of a Non-Profit Religious, Charitable, Social Service, or Similar Organization* (Form EOIR-31). Form EOIR-31 is available on EOIR’s website at <https://www.justice.gov/eoir/file/eoir31/download>. The organization should also read the requirements for recognition found in the regulation at 8 C.F.R. § 1292.11 (<https://www.federalregister.gov/documents/2016/12/19/2016-29726/recognition-of-organizations-and-accreditation-of-non-attorney-representatives>) and be sure to include all required documents in the application packet. (See FAQ #24 on documentation required for initial recognition applications.)

All documents submitted to EOIR must be served on the appropriate USCIS District Director office(s). (See FAQs #11, 12, 13 on serving documents on USCIS.)

23. What are the eligibility requirements for an organization to become recognized?

To be eligible for initial recognition, an organization must meet the requirements described at 8 C.F.R. § 1292.11, including:

- Establish that it is a non-profit religious, charitable, social service, or similar organization;
- Demonstrate that it provides immigration legal services primarily to low-income and indigent clients within the United States;
- Demonstrate the organization's currently valid federal tax-exempt status or pending application for the same;
- Apply simultaneously to have at least one employee or volunteer approved as an Accredited Representative;
- Demonstrate access to adequate knowledge, information, and experience in immigration law and procedure; and
- Designate an authorized officer to act on its behalf.

24. What documentation is required to support an initial application for recognition?

An organization seeking initial recognition must submit the following documentation as required by the regulations at 8 C.F.R. § 1292.11:

- Form EOIR-31
- Proof of currently valid non-profit status
- Organizing documents, including a mission or purpose statement (e.g., bylaws, articles of incorporation, etc.)
- Summary of the immigration legal services to be provided
- Fee schedule (if fees are charged)
- Detailed policies for fee waiver and reduction (if fees are charged)
- Immigration legal services budget for current year
- Immigration legal services budget for prior year (if the organization was not yet operational in the prior year, then submit a second budget for the upcoming year)
- Proof of currently valid federal tax-exempt status or that such status is applied for and pending
- Application for accreditation of at least one proposed representative (Form EOIR-31A, with supporting documentation)
- Proof of access to adequate knowledge, information, and experience in all aspects of immigration law and procedure
 - Description of available legal resources
 - Organizational chart with names, titles, and supervisors of immigration legal staff
 - Description of the qualifications, experience, and breadth of immigration knowledge of these staff members
 - Proof of any agreement entered into with non-staff immigration practitioners or recognized organizations for consultations or technical legal assistance

25. What kind of budget should an organization submit with its application for recognition?

The rule requires an organization to supply its annual budget for providing immigration legal services for the current and past year. A budget should include information about the organization's operating expenses and its sources of revenue. If the budgets for the current and past years are unavailable because the organization did not offer immigration legal services during those years, the organization must supply a projected annual budget for the upcoming year. *See* 8 C.F.R. § 1292.11(c). A budget should be sufficiently detailed and include:

- Information about the organization's operating expenses and its sources of revenue (e.g. fees for services, grants, donations);
- A list and explanation of each source of any grants received and funds being sought, even if not yet received; and
- A description of in-kind contributions, including volunteer time and office space.

If the organization is part of a larger organization with varied services, the immigration legal services budget should be separated out of the annual budget of the larger organization.

26. How does an organization demonstrate its religious, charitable, social service, or similar mission?

An organization must submit a copy of its organizing documents and include a statement showing its religious, charitable, social service, or similar mission. *See* 8 C.F.R. § 1292.11(b). An organization may also want to provide letters of recommendation from community members, particularly letters showing the organization's involvement in and commitment to the community it serves and the quality of its services.

27. How does an organization demonstrate that it is federally tax exempt?

The regulations provide that proof of federal tax-exempt status can consist of a currently valid IRS tax-exemption determination letter, alternative documentation to establish IRS tax exemption, or proof that the organization has applied for tax-exempt status. 8 C.F.R. § 1292.11(d). The rule provides for alternative documentation because it acknowledges that some alternative service models may exist that can be eligible to apply for recognition. For example, DOJ/EOIR has recognized some government entities such as libraries and schools as alternative service models that are tax-exempt.

28. May a project obtain initial or renewal of recognition using its fiscal sponsor's federal tax-exempt status?

No, an organization requesting recognition must meet each eligibility requirement listed at 8 C.F.R. § 1292.11. Two or more different entities may not join forces to meet all of the requirements among themselves. One of the eligibility criteria is that an applicant organization must *be* a federal tax-exempt organization (as opposed to merely *having* federal tax-exempt

status). A project may not use a fiscal sponsor's federal tax-exempt status to apply for recognition. The organization that is providing the immigration legal services must meet each requirement by itself, including being federally tax-exempt. 8 C.F.R. § 1292.11(a)(2).

29. How does an organization show its non-profit status?

An organization should submit paperwork evidencing that its non-profit status is currently valid with its state Secretary of State or similar agency. It is insufficient for the organization to submit documentation of its non-profit status at the time of incorporation, unless the organization incorporated within the last year.

30. How does an organization show that it primarily serves low-income and indigent clients?

Under 8 C.F.R. § 1292.11(b), an organization must submit:

- A copy of its organizing documents, including a statement of its mission or purpose;
- A declaration from its authorized officer attesting that it serves primarily low-income and indigent clients;
- A summary of the legal services to be provided;
- Its annual budget for the current year and, if available, its annual budget for the previous year (See FAQ #25 on budgets); and
- If an organization charges fees for legal services, then the organization must also submit fee schedules and organizational policies or guidance regarding fee waivers or reduced fees based on financial need.

The organization may also submit additional documentation to demonstrate service to primarily low-income and indigent individuals, such as reports prepared for funders or information about other free or low-cost immigration-related services that it provides (e.g., educational or outreach events).

31. Can an organization charge for services?

Yes, but the organization must declare and document that it serves primarily low-income and indigent clients. As the organization must be non-profit and federally tax-exempt to be recognized, the documents showing the organization's fee schedules, revenue, and budget will be reviewed by EOIR. The current rule also requires proof of organizational policies regarding fee waivers or reduced fees based on financial need. The prior restrictions under the old rule about nominal fees/charges are no longer applicable for the R&A Program. Nevertheless, the organization's fee structure must be geared toward making immigration legal services available to primarily low-income and indigent clients.

32. How does an organization show that its staff has adequate knowledge, information, and experience?

To show that its staff has adequate knowledge, information, and experience, an organization must submit:

- A description of the immigration legal services that the organization offers or seeks to offer;
- A description of the legal resources to which the organization has access;
- An organizational chart showing names, titles, and supervisors of immigration legal staff members;
- A description of the qualifications, experience, and breadth of immigration knowledge of these staff members, including but not limited to: resumes, letters of recommendation, certifications, and a list of all relevant, formal immigration-related trainings attended by staff members; and
- Any agreement or proof of a formal arrangement entered into with non-staff immigration practitioners or DOJ Recognized Organizations for consultations or technical legal assistance.

33. Can an organization still be recognized if it only has an attorney on staff but no Accredited Representative?

It depends. The purpose of recognition is to allow organizations to provide legal representation to low-income or indigent individuals through non-attorney Accredited Representatives, whether or not the organization has attorneys on staff. An organization that is offering immigration legal services by attorneys only does not need DOJ Recognition because the attorneys are already authorized to practice immigration law.

If an organization is applying for initial recognition, it must simultaneously apply for the accreditation of at least one employee or volunteer who qualifies for accreditation and who will be providing services on behalf of the organization. EOIR will not consider applications for initial recognition that do not have an accompanying application for accreditation.

If a Recognized Organization applies for renewal of recognition but no longer has an Accredited Representative on staff, the organization will be placed on inactive status for up to two years as of the date the last Accredited Representative left the organization. *See* 8 C.F.R. § 1292.16(i). EOIR may still approve an application for renewal of recognition of a Recognized Organization that is on inactive status. (See FAQ #35 on inactive status.)

34. What happens if a Recognized Organization loses its Accredited Representative?

The regulations require Recognized Organizations to promptly notify EOIR of material changes, including changes in personnel of Accredited Representatives. If all of the Accredited Representatives leave a Recognized Organization, the organization will be placed on inactive status and will not appear on the Roster. A Recognized Organization that loses all of its

accredited staff is precluded from offering immigration legal services unless the organization also has an attorney on staff. (See FAQ #35 on inactive status.)

35. What is inactive status, and how long does it last?

Inactive status indicates that the Recognized Organization does not currently have an Accredited Representative, although it did at one time. Inactive status can continue for up to two years from the date the organization was placed on inactive status, which is the date the organization lost its last Accredited Representative. This allows the organization time to apply for and have approved the accreditation of one or more new representatives. The organization maintains its recognition while it is on inactive status; however, the organization's name and address do not appear on the Roster. Once at least one accreditation application is approved, the organization's recognition is returned to active status, and the organization's name and address will appear again on the Roster. *See* 8 C.F.R. § 1292.16(i).

If an organization does not submit and have approved an accreditation application by the end of the two-year period of inactive status, EOIR may terminate the organization's recognition. Subsequently, if the organization wanted to provide immigration legal services through Accredited Representatives in the future, the organization would have to first re-apply for recognition.

36. Must an organization that provides immigration legal services at different office locations apply for recognition at each location?

It depends. If an organization offers immigration legal services at an office location only through attorneys, the organization does not need to apply for recognition of that location. However, if an organization seeks to offer immigration legal services at an office location through a non-attorney, then the organization must apply for recognition of that location and accreditation of at least one individual. If there are multiple office locations, the organization can decide to apply for recognition of the offices either separately or jointly through an extension of the headquarters' recognition. (See FAQ #67 on branches and extensions.)

37. Once an organization is recognized, does it have to report changes to EOIR?

Yes. The authorized officer of the organization must promptly report to EOIR through written correspondence any material changes to the information contained in its applications for recognition and accreditation. *See* 8 C.F.R. § 1292.14(a). (See FAQ #5 on responsibilities of an authorized officer.) Failure to promptly report material changes could lead to administrative termination of the organization's recognition. *See* 8 C.F.R. § 1292.17(b)(5).

38. How does an organization inform EOIR of changes?

The authorized officer must inform EOIR of any changes in writing by U.S. mail, email, or other delivery service. Please see FAQ #8 for EOIR's contact information.

39. Does recognition expire?

Yes. Recognition under the rule is valid for a period of six years from the date of EOIR's approval of recognition, unless the organization has been granted conditional recognition, which is valid for two years. Applications for renewal must be postmarked by the last day of the recognition period; however, organizations are encouraged to submit renewal applications 90 days or more prior to the expiration date. (See FAQ #64 on recognition renewal applications.)

If a Recognized Organization timely submits a recognition renewal application, the organization's recognition status remains valid pending EOIR's determination on the application. In these cases, the organization's Accredited Representatives can continue to represent clients.

If a Recognized Organization does not timely submit a recognition renewal application, EOIR will administratively terminate both the organization's recognition and the accreditation of that organization's representatives. Once recognition expires, the organization's Accredited Representatives may no longer practice immigration law. To do so would be considered the unauthorized practice of immigration law. In order to regain DOJ Recognition, an organization must submit a new initial application for conditional recognition as well as at least one DOJ Accreditation application and wait until the applications are approved before it may resume providing immigration legal services through Accredited Representatives.

40. What is conditional recognition?

Conditional recognition is granted to an organization that has not been previously recognized, has federal tax-exempt status pending, or has been approved for recognition after recognition was previously terminated. Conditional recognition is valid for two years.

41. Can an organization lose its recognition?

Yes. EOIR may terminate recognition of any organization that has failed to maintain the qualifications required for recognition or that is subject to disciplinary sanctions. *See* 8 C.F.R. § 1292.17.

When recognition is terminated, the organization loses its status as a Recognized Organization. The name of the organization and the names of any Accredited Representatives affiliated with the organization are removed from the R&A Rosters. The organization and its staff can no longer use DOJ Recognition or Accreditation status in community outreach, to file forms, or to enter appearances before DHS or EOIR (using Forms G-28, EOIR-27, or EOIR-28). Claiming DOJ Recognition or Accreditation status after an organization's recognition is terminated would be considered the unauthorized practice of immigration law.

42. When do the record-keeping requirements of the regulation take effect?

The regulation's recordkeeping requirements apply as of the effective date of January 18, 2017, not before. *See* 8 C.F.R. § 1292.14(b). Recognized Organizations that pre-dated the effective

date of the regulation and are submitting an application for renewal of recognition must include the fee schedules and annual summary of immigration legal services compiled since January 18, 2017. (See FAQs #43, 64 on the annual summary.)

43. When does a Recognized Organization need to submit its annual summary of immigration legal services?

The first time an organization submits an application for renewal of recognition under the current regulation, the organization should provide a summary of immigration legal services it provided for each calendar year, beginning on January 18, 2017. An organization that received conditional recognition after January 18, 2017, and is seeking its first renewal, should submit a summary of the immigration legal services it provided during its first two years of recognition. The information should be separated by year and/or partial year from the date of the application. Thereafter, once renewed, organizations must submit with their next renewal request an annual summary of immigration legal services provided for each of the last six years since renewal. An organization should not submit an annual summary at the end of each year; instead, the organization should include all of the relevant annual summaries with its recognition renewal application. See Appendix A for examples of Annual Summary formats.

Accreditation:

44. What is an Accredited Representative?

A representative is “accredited” when DOJ/EOIR authorizes a specially qualified non-lawyer to represent individuals in immigration legal matters. DOJ/EOIR will accredit non-lawyer representatives only when they work or volunteer for a Recognized Organization but will never accredit a non-lawyer representative who tries to practice immigration law on his or her own. A representative’s accreditation is specific to the Recognized Organization and does not follow the representative if he or she leaves the organization. (See FAQ #20 on Recognized Organizations.)

There are two kinds of accreditation: “partial” and “full.” A partially Accredited Representative may represent individuals before DHS only. A fully Accredited Representative may represent individuals before both DHS and EOIR, which includes the immigration courts and the BIA.

45. What is the process for applying for accreditation?

Only a Recognized Organization or an organization seeking recognition may apply for accreditation on behalf of an individual. To apply for a representative’s accreditation, the organization must submit to EOIR a *Request by Organization for Accreditation or Renewal of Accreditation of Non-Attorney Representative* (Form EOIR-31A). Form EOIR-31A is available on EOIR’s website at <https://www.justice.gov/eoir/file/eoir31A/download>. The organization should read the requirements for accreditation found in the regulation at 8 C.F.R. § 1292.12 (<https://www.federalregister.gov/documents/2016/12/19/2016-29726/recognition-of-organizations-and-accreditation-of-non-attorney-representatives>) and be sure to include all required documents in the application packet. (See FAQ #47 on documentation required for initial accreditation applications.)

All materials submitted to EOIR must be served on the applicable USCIS District Director’s office(s). (See FAQs #11, 12, 13 on serving documents on USCIS.)

46. What are the eligibility requirements for accreditation?

To establish an individual’s eligibility for accreditation, an organization must meet the requirements under the regulations at 8 C.F.R. § 1292.12, which include demonstrating that the individual:

- Has the character and fitness to represent clients before DHS and/or EOIR;
- Is employed by or is a volunteer of the organization;
- Is not an attorney, as defined by 8 C.F.R. § 1001.1(f);
- Has not resigned while a disciplinary investigation or proceeding is pending or is the subject of an order restricting the individual in the practice of law;
- Has not been found guilty of, or pleaded guilty to, a serious crime; and

- Possesses broad knowledge and adequate experience in immigration law and procedure.

47. What documentation is required to support an initial application for partial accreditation?

Organizations that submit an initial application for partial accreditation of a proposed representative must include the following documentation as required by the regulations at 8 C.F.R. § 1292.12:

- Form EOIR-31A
- Proof of the proposed representative's broad knowledge and adequate experience in immigration law and procedure
 - Current resume that describes qualifications to be an Accredited Representative, including education and immigration law experience,
 - List of all relevant training in immigration law and procedure, including at least one formal course on the fundamentals of immigration law, procedure, and practice (See FAQ #51 on documenting training attended and the samples in Appendix B.), and
 - At least two letters of recommendation attesting to the proposed representative's broad knowledge and adequate experience in immigration law and procedure. The authors must be qualified to write the letters, both because they are familiar with the applicant's qualifications and because they themselves are familiar with immigration law and procedure.

The above documentation is also required to support an initial application for full accreditation. Organizations that seek full accreditation for a proposed representative, should consult FAQ #56 for additional documentary requirements.

48. What should the recommendation letters for accreditation address?

The regulation on accreditation refers to at least two letters describing proof of the proposed representative's knowledge and experience; thus, the letters must address that subject, and the author must be qualified to write on that subject. 8 C.F.R. § 1292.12(c). The letters should provide detailed information on the authors' familiarity with the proposed representative's qualifications rather than just conclusory statements that the proposed representative "has broad knowledge and adequate experience in immigration law." The same or different letters may also address the proposed representative's character and fitness, which is helpful to support that requirement.

49. What does EOIR consider sufficient for a fundamentals course in immigration law and procedure?

A new application for accreditation must include documentation of all of the proposed representative's relevant, formal, immigration-related training. This documentation must include proof that the proposed representative completed at least one course on the fundamentals of

immigration law, procedure, and practice. 8 C.F.R. § 1292.12(c). However, one course alone will rarely satisfy the broad-knowledge requirement. Proof of completion must include a certificate of completion or other similarly verifiable record (e.g., confirmation of attendance from host organization/trainer).

While the specific content and duration of a fundamentals course may vary, the curriculum should be designed to give the attendee a broad overview of immigration law as it relates to the typical clients a Recognized Organization will see. Generally, a fundamentals course in immigration law should cover various forms of relief before the immigration courts and DHS, such as naturalization, family-based petitions, grounds of inadmissibility and removability, removal defenses, immigration consequences of crimes, and case management. Courses focusing primarily on the history of U.S. immigration law and theoretical concepts will generally not satisfy the requirement without an additional practical course or training (e.g., a law school immigration law clinic).

50. What does EOIR consider relevant, formal, immigration-related training?

Federal regulations at 8 C.F.R. § 1292.12(c) require that Accredited Representatives document all the “relevant, formal immigration-related training” they have taken. Proof of completion must include a certificate of completion or other similarly verifiable record. Those seeking renewal of accreditation must likewise demonstrate that they have continued to receive formal training in immigration law and procedure for each year since the last date of approval. 8 C.F.R. § 1292.16(c) (2).

Training must be relevant and should show that it is “commensurate with the services the organization provides....” 8 C.F.R. § 1292.16(c)(2). If an organization only provides naturalization legal services, for example, the topics covered in the trainings a representative has taken should reflect this focus. The trainings may also cover other topics related to immigration law and procedure. However, when making a determination on the application, EOIR may consider trainings that are not related to the organization’s stated legal services to be less relevant.

Training must also be formal. It should be preplanned rather than impromptu and taught by a qualified instructor. The purpose of the training should be to educate attendees on specific aspects of immigration law and procedure. Accreditation applications, whether initial or renewal, should include a list of trainings attended, indicating the title of the training, the provider’s name, date(s) and duration of the training, the names and titles of presenters, the topics covered, whether the training was attended in person or through other means, and whether the training was open to the public. See FAQ #51. Examples of activities that EOIR does not consider formal training are self-study, case-review meetings, stakeholder meetings at USCIS, and volunteering at workshops. However, these activities could be used to evaluate a representative’s immigration law experience. See FAQ #53.

Finally, training must be related to immigration law and procedure. Trainings in non-immigration law topics or in program management alone are likely insufficient to satisfy the requirement.

51. How should an organization document the training a proposed representative has received?

An organization should provide the following information about each formal training attended by its proposed representative:

- Training title
- Sponsor/provider
- Date(s) of attendance
- Duration of substantive content of formal training, not self-study (# of hours)
- Presenter's name
- Presenter's title
- Topics covered
- Whether attendance was via webinar or in person
- Whether the training was open to the public
- Certification* of completion of the training

Copies of PowerPoint handouts and other similar materials should not be included in the application. See Appendix B for sample training lists.

*EOIR is evaluating alternative means of identifying that an applicant's requirements are met when a formal certificate may not be feasible to obtain.

52. How should an organization calculate the duration of formal training attended by its proposed representative?

Accreditation applications should include a list of all relevant, formal, immigration-related trainings taken, including the duration of each. Calculate the durations using only time spent receiving formal instruction. Do not include hours spent in self-study, homework, test-taking, or preparation for a course. Often the duration will be reflected on a certificate of completion. If the training consisted of multiple sessions, calculate the time spent in each relevant session. Do not include the time spent registering, taking breaks, or eating lunch.

53. What does EOIR consider in evaluating experience?

Federal regulations require that an application for accreditation demonstrate that the proposed representative possess broad knowledge and adequate experience in immigration law and procedure. 8 C.F.R § 1292.12(a)(6). EOIR will evaluate adequate experience on a case-by-case

basis, taking into account the proposed representative's immigration law employment history, volunteer work, shadowing, and any other hands-on immigration law background. In addition to the amount of experience an individual has, EOIR will take into account the type of experience as well as the supervision the individual received in the course of the immigration work. For the purpose of an accreditation application, EOIR will not consider experience achieved while likely engaged in the unauthorized practice of law or without supervision by a licensed attorney or Accredited Representative.

EOIR encourages all of organizations to provide as much detail as possible about the representative's experience in the representative's resume, letters of recommendation, separate supervisor letters, or any other documentation (for example, an hourly work log).

Specific factors that EOIR considers in evaluating experience for an initial accreditation application include, but are not limited to:

- The duration, frequency, and recency of a proposed representative's experience (e.g. 40 hours/week for six months between [date] and [date], 15 hours/month over the past one year, etc.)
- The percentage of a proposed representative's duties that relate to immigration law as opposed to administrative, clerical, or other tasks
- The supervisor(s) the proposed representative had while gaining experience in immigration law, whether the supervisor was on site or remote, and the meaningfulness of the interactions with that supervisor (e.g. How frequently did the supervisor and the proposed representative interact? Did the supervisor provide feedback to the proposed representative? What was the supervisor's background in immigration law?)
- The subject matter the proposed representative has experience in (e.g. naturalization, asylum, etc.)
- The type of immigration legal work the proposed representative has completed (e.g. legal screenings, filling out forms at naturalization clinics, shadowing client consultations, etc.)
- The proposed representative's background with other types of law, whether that experience was in the U.S. or abroad, and the duration and recency of the experience

Please be sure to redact any third-party client information when submitting examples of work completed by the representative. For full accreditation renewal applications, EOIR may request client Alien Registration Numbers (A-Numbers) to assess the representative's work before the immigration courts and BIA.

For accreditation renewal applications, EOIR will evaluate the Accredited Representative's experience using the above factors and will apply those factors to the period of accreditation from the date of last approval. Documentation of the Accredited Representative's work can include, but is not limited to:

- A list of the types of applications filed during the period of accreditation
- Redacted briefs or memoranda filed by the Accredited Representative
- A description of the type of work completed by the Accredited Representative since the date of last approval
- For fully Accredited Representatives, the number of cases where the Accredited Representative has represented clients before the immigration courts or the BIA. If the fully Accredited Representative has not represented any clients before the immigration courts or BIA during the period of accreditation, a description of how the representative has utilized their full accreditation such that partial accreditation would not be sufficient to suit the representative's and organization's needs.

54. What is the character and fitness requirement and what does it require a Recognized Organization to disclose?

The character and fitness requirement seeks to ensure that Accredited Representatives are individuals whom the public can trust to provide competent, reliable immigration legal services. This requirement also protects the integrity of the Recognition and Accreditation Program in accrediting individuals that are upstanding, trusted members of their communities. Character and fitness includes, but is not limited to, factors such as criminal background; prior acts involving dishonesty, fraud, deceit, or misrepresentation; past history of neglecting professional, financial, or legal obligations; and current immigration status that presents an actual or perceived conflict of interest. 8 C.F.R. § 1292.12(a)(1). If any of these or other factors apply to a representative, whether before or during accreditation, the organization should be completely honest and forthcoming. It is better to be overly inclusive than to omit information. The organization should be candid and demonstrate that the individual is qualified to be an Accredited Representative, and should note that EOIR has broad authority to request additional information to ensure complete review of this important requirement.

55. Is a Recognized Organization required to disclose any arrest or conviction of a representative, even if it has been vacated, set aside, sealed, expunged, or otherwise removed from the record, anywhere in the world?

An organization should disclose a representative's criminal activity, whether or not it resulted in arrest or conviction. This includes any offense, past or present, other than juvenile offenses, even if the matter has been dismissed, expunged, or diverted from prosecution in some other way. While the offense itself may not necessarily disqualify an applicant from becoming an Accredited Representative, the conduct underlying the offense may demonstrate that the applicant is unfit to become an Accredited Representative. The applicant should submit police records, court records, or any other relevant documentation related to criminal charges, arrests, convictions, or activity.

Please note that some convictions that are deemed "serious crimes" will automatically disqualify an individual from becoming accredited, even with a showing of rehabilitation. 8 C.F.R.

§ 1292.12(a)(5). Except when the representative has been convicted of a serious crime, as defined in 8 C.F.R. § 1003.102(h), the organization can provide documentation showing that the representative has accepted responsibility for his or her actions, been rehabilitated, and/or made positive contributions to society since the conduct.

56. What additional documentation must an organization submit when applying for full accreditation of a proposed representative?

A partially Accredited Representative can represent clients only before USCIS, while a fully Accredited Representative is authorized to represent clients before USCIS and EOIR, which includes the immigration courts and the BIA. Because a fully Accredited Representative can appear before EOIR without attorney supervision, the representative must possess skills essential for effective litigation in addition to meeting all of the requirements for partial accreditation. 8 C.F.R. § 1292.12(a)(6), (c). This includes a demonstration that the proposed representative is able to advocate a client's position by:

- Performing legal research;
- Presenting documentary evidence at a hearing before an Immigration Judge;
- Questioning witnesses at a hearing before an Immigration Judge;
- Pursuing appeals before the BIA; and
- Preparing motions and briefs for consideration by an Immigration Judge or the BIA.

All initial applications for accreditation, whether for partial or full accreditation, must contain the documents listed in FAQ #47. In addition, an initial application for full accreditation must also show how the proposed representative has developed the litigation skills described above, whether through training, education, or experience. For example, an organization may submit:

- A log of hours and observations from attending immigration court hearings;
- A log of hours spent shadowing an attorney or Accredited Representative who practices before EOIR;
- A chart tracking cases pending before EOIR that the proposed representative has assisted with and specifying in what capacity;
- Redacted writing samples of briefs and motions co-authored by the proposed representative;
- Evidence of attendance at trainings that focus on practice before EOIR and the development of advocacy skills;
- Documentation showing participation in mock trials or similar activities; and
- Letters of recommendation that describe in detail the sources of the proposed representative's advocacy-related skills, knowledge, and experience, written by authors with first-hand knowledge of these skills.

An Accredited Representative seeking renewal of full accreditation should provide a sampling of A-Numbers of clients represented before EOIR since last accredited. In the alternative, if the Accredited Representative has not represented clients before EOIR during the past three years, the organization should provide an explanation as to why full accreditation is requested. In

addition to this explanation, the organization should demonstrate how the representative has maintained skills essential for effective litigation and continued to receive formal training, education, or experience related to trial and appellate advocacy. The organization may do so by providing documents such as those listed above for initial full accreditation.

57. Must fully Accredited Representatives register with the online EOIR eRegistry program?

Yes. Pursuant to 8 C.F.R. § 1292.1(f), as a condition of practice before EOIR, attorneys and fully Accredited Representatives must eRegister. At accreditation renewal, a fully Accredited Representative who has not eRegistered and, therefore, has not practiced before EOIR must demonstrate why full accreditation is requested and what steps the applicant has taken to maintain necessary litigation and advocacy skills.

58. What will happen if EOIR disapproves an application for full accreditation?

EOIR automatically treats an application for full accreditation to include an application for partial accreditation. If an application for full accreditation does not meet the regulatory requirements, it will be considered as an application for partial accreditation. If the proposed representative meets all the requirements for partial accreditation but not for full, he or she may be approved as a partially Accredited Representative without having to submit a new application. However, if the proposed representative is not eligible for either full or partial accreditation, then the application will be disapproved.

59. Can a Recognized Organization apply for accreditation of a representative at any time?

Yes. A Recognized Organization can apply for accreditation of a representative at any time. Accreditation is valid for three years, after which time the organization would need to apply for renewal of accreditation of the representative. (See FAQ #66 on renewal of accreditation.)

60. What should an Accredited Representative be titled under the new rule?

Accredited Representatives who were formerly “BIA Accredited Representatives” are now “DOJ Accredited Representatives.”

61. Does accreditation expire?

Yes. Accreditation is valid for a period of three years from the date of EOIR’s approval. In order to maintain valid accreditation, an organization must apply for accreditation renewal on its representative’s behalf on or before the three-year accreditation expiration date. (See FAQ #66 on renewal of accreditation.)

If a Recognized Organization timely submits an accreditation renewal application, the Accredited Representative’s accreditation status remains valid pending EOIR’s determination on the application. In these cases, the Accredited Representative can continue to file notices of

appearance (Forms G-28, EOIR-27, or EOIR-28) on behalf of his or her clients by indicating “Renewal Application Pending” along with the last accreditation approval (or renewal) date, if requested.

If a Recognized Organization does not timely submit an accreditation renewal application for its Accredited Representative, EOIR will administratively terminate the accreditation of the representative. Once accreditation expires, the individual may no longer provide legal services as an Accredited Representative. To do so would be considered the unauthorized practice of immigration law. In order to regain a representative’s accreditation after expiration, an organization must submit a new initial application on behalf of that expired representative and wait until the application is approved before the individual can continue providing immigration legal services.

62. If an organization has multiple offices, may an Accredited Representative work at each one?

It depends on whether and how the multiple offices have been recognized.

- **Recognized Principal and Extension Offices: Yes.**
Under the current regulations, a Recognized Organization can apply to have its recognition extended from a headquarters (principal office) to one or more extension office(s). 8 C.F.R. § 1292.15. Once the organization has approved extension offices, the organization’s Accredited Representatives may work out of all of the extension offices.
- **Separately Recognized Office Locations: Yes, but each location must submit its own accreditation application.**
An organization that does not apply for extension of recognition may have separately recognized office locations. In this case, each separately recognized office location that wants a representative to work there must submit a separate accreditation application for the representative.
- **Some Recognized and Some Non-Recognized Office Locations: Only at the Recognized Locations.**
If an organization’s office location is not recognized, whether separately or as an extension, the organization’s Accredited Representatives may not provide immigration legal services out of that location. To do so may constitute the unauthorized practice of law. If an organization has a recognition or extension of recognition application pending, its Accredited Representatives must wait until that application is approved before beginning to work out of that non-recognized site.

Under the previous regulations (before January 18, 2017), the BIA allowed Accredited Representatives to work out of a Recognized Organization’s recognized branch offices. An Accredited Representative that was approved by the BIA was allowed to continue working from these branch offices. Under the current regulations, the organization must either (1) apply for extension offices so that its Accredited Representatives can work from any recognized location,

or (2) apply for each Accredited Representative separately to work at each separately recognized location. (See FAQ #67 on branches and extensions.)

Renewal:

63. Do accreditation renewals and recognition renewals take place at the same time?

Accreditation and recognition are valid for different periods and generally do not run simultaneously. Each renewal application must be submitted on or before the date that accreditation or recognition is due to expire.

Accreditation is valid for a three-year period. 8 C.F.R. § 1292.12(d). Recognition is generally valid for a six-year period. 8 C.F.R. § 1292.11(f).

An organization that was initially recognized at any time before January 18, 2017, had to submit its first recognition renewal application by a date defined in the regulations, but no later than January 18, 2020. An organization that is initially recognized after January 18, 2017, receives conditional recognition for two years and must submit its first recognition renewal application before the expiration of the two-year period. Once EOIR approves the organization's first recognition renewal application, the organization will remain recognized for six years, after which it must file for renewal on or before the expiration of the six-year period.

64. What documentation must an organization submit with an application for renewal of recognition compared to an organization seeking initial recognition?

A Recognized Organization seeking renewal of recognition needs to establish that it remains eligible for recognition under 8 C.F.R. § 1292.11(a). As such, the organization is required to submit the below records, specified in 8 C.F.R. § 1292.14(b) and 1292.16(c). The renewing organization should ensure that it is the same legal entity that was originally recognized by EOIR and that its original non-profit and tax-exempt statuses remain intact.

- Form EOIR-31
- Any fee schedules or fee reduction/waiver policies used since last renewal
- Budget for current year
- Budget for previous year
- Description of any unreported changes that impact eligibility for recognition from the date of the last approval of recognition
- Organizational chart, if there have been staff changes since recognition or last renewal
- Evidence of current tax-exempt status, if that status is based on a larger entity's group ruling (*e.g.* a letter from a denomination's headquarters stating that the Recognized Organization is still included in its group ruling; the relevant pages of the Official Catholic Directory for organizations that derive their tax-exempt status from the U.S. Conference of Catholic Bishops; etc.)
- Evidence of current non-profit status
- Annual summaries
 - Total number of clients served (including through intakes, applications prepared and filed with DHS, cases in which attorneys or Accredited Representatives appeared

before the immigration courts or the BIA, or referrals to other attorneys or organizations)

- Number of clients served pro bono (at no cost to the client) (See definition of *pro bono legal services* at 8 C.F.R. § 1003.61(a)(2))
- Description of the services provided, both immigration legal and immigration-related (educational, outreach, etc.)
- Statement regarding whether services were provided pro bono or clients were charged in accordance with a fee schedule or fee reduction/waiver policy
- List of the offices or locations where the immigration legal services were provided

In contrast, a new organization seeking initial recognition would need to supply more comprehensive supporting documentation under 8 C.F.R. § 1292.11. (See FAQ #24 on documentation required for initial recognition applications.)

65. How does an organization apply for recognition renewal while on inactive status?

A Recognized Organization is placed on inactive status when it loses its last Accredited Representative. Inactive status lasts for up to two years, and an inactive organization must request renewal of recognition if its renewal period occurs during this two-year period.

An organization on inactive status, like any other renewing organization, must complete the Form EOIR-31 and provide the required documentation to establish that it remains eligible for recognition. However, because an inactive organization by definition does not have at least one Accredited Representative, it must also include an attestation that it intends to apply for the accreditation of one or more representatives within two years from the date of renewal. EOIR has the discretion to renew recognition of an organization on inactive status.

An inactive Recognized Organization will become active (i.e. removed from inactive status) once it applies for and has approved an Accredited Representative within the applicable period.

66. What documentation is required in conjunction with an accreditation renewal application?

Recognized Organizations that apply for the renewal of accreditation of an Accredited Representative must submit the following documentation as required by the regulations at 8 C.F.R. §§ 1292.16(b)(2) and (c)(2):

- Form EOIR-31A
- Notification of any changes in eligibility under 8 C.F.R. § 1292.12(a)
- List of continued training in immigration law and procedure during the past three years, including certificates of completion or other similarly verifiable records. The list should not include trainings attended prior to the most recent renewal or that covered topics not related to immigration law. (See FAQ #51 on documenting training attended.)

EOIR may request letters of recommendation addressing the renewal applicant's continued knowledge and experience in immigration law.

Extension of Recognition:

67. What is the difference between a branch and an extension?

The recognition of a branch office was available under the former rule when an organization had more than one office location. Each branch had to apply separately for recognition, but once a branch was recognized, an Accredited Representative of the parent organization could work out of a recognized branch without having to apply separately for accreditation at that branch.

The current rule handles organizations with multiple office locations differently. An organization with multiple locations will have two options when it applies for initial recognition or renewal of recognition:

- 1) The headquarters (parent office) and each of the organization's separate offices can apply for recognition separately. Each office would have to submit its own recognition application packet and its own accreditation application packet for any proposed Accredited Representative planning to work at its location. In this case, each office location would be considered a separate Recognized Organization and would need to renew its recognition separately in the future. Also, if one Accredited Representative were going to work at more than one office location, each location would need to submit its own initial accreditation application and, eventually, renewal application for the same Accredited Representative.
- 2) The headquarters (parent office) can apply for its own recognition and simultaneously request that recognition be extended to the organization's separate office location(s). The headquarters would submit one application packet and include the separate office(s) within. For a renewal application that also includes a request for extension of recognition, EOIR recommends that the organization submit its application packet at least 90 days prior to the renewal deadline.
 - a. For initial applications: The headquarters of an organization would submit an initial application requesting recognition and listing any office(s) to which recognition should be extended, along with an initial application for accreditation of any proposed representative. If EOIR approves all of the organization's requests, the organization's Accredited Representative(s) would be authorized to work at the headquarters and the extension office(s) without the organization having to submit separate accreditation applications for each office. In this case, the headquarters would appear on the R&A Rosters as the Recognized Organization with its extension offices listed below. At renewal, the headquarters would need to submit only one request on behalf of all the offices. (See FAQ #69 on documents required for extension applications.) If EOIR approves the

headquarters' recognition but does not approve the extension of recognition to an office, that office could still submit its own application for recognition, separate from the headquarters. The office would also have to submit an accreditation application for the proposed representative who would work at that office, even if EOIR had already approved the representative to work at the headquarters. In this case, the headquarters and office would appear separately on the R&A Rosters and would have to renew their recognition separately by submitting their own application packets.

- b. For renewal applications: The headquarters of an organization would submit a recognition renewal application, which specifies to which office recognition should be extended. If the proposed extension office is already separately recognized, the headquarters' renewal application must be filed at least 90 days before the renewal deadline of the headquarters or the proposed extension office. If EOIR approves the headquarters' recognition as well the request for extension of recognition, the office does not have to submit a separate recognition renewal application. Also, the Accredited Representative(s) of the headquarters would be authorized to work at the extension office without the extension office needing to submit separate accreditation applications.

68. When can a Recognized Organization apply for extension of recognition to one of its offices?

A Recognized Organization can apply for extension of recognition to any of its offices at any time.

69. How does a Recognized Organization apply for an extension of recognition to one of its office locations?

To apply for extension of recognition, a Recognized Organization must submit a Form EOIR-31, providing the requested information about the headquarters or designated office and extension office(s). Supporting documentation should demonstrate that the headquarters: (1) periodically conducts inspections of extension offices, (2) exercises supervision and control over its Accredited Representatives at those offices, and (3) provides adequate legal resources at those offices. Organizations should also support the request for extension offices by submitting documents that show joint management, operations, and funding sources. 8 C.F.R. §1292.15.

The Recognized Organization must serve the extension application packet on USCIS. (See FAQs #11, 12, 13 on serving documents on USCIS.)

70. Must a Recognized Organization with multiple approved extension offices have an Accredited Representative at each location?

No. The organization can share Accredited Representatives among approved extension offices but must offer the services of at least one Accredited Representative at all extensions on a regular basis. However, if an extension office ever stops offering immigration legal services by Accredited Representatives altogether, the organization has a duty to promptly notify EOIR of this change so that the extension office can be removed for the R&A Rosters.

71. Can an Accredited Representative work in any of the extension offices of a Recognized Organization?

Yes, an Accredited Representative can work at all of the approved extension offices of his or her Recognized Organization.

72. How does an organization decide which office to designate as its headquarters when planning to seek extension of recognition?

When seeking extension of recognition, an organization should designate as its headquarters the office that supervises the other organization's offices. The organization should establish that the subordinate offices have joint operations, management structure, and funding sources with the headquarters. In addition, the headquarters' authorized officer must attest that he or she exercises supervision and control over the Accredited Representatives in the extension offices. 8 C.F.R. § 1292.15. (See FAQ #69 on documents required for extension applications.)

73. What factors does EOIR consider when determining if an office qualifies as an extension?

When determining whether an office qualifies as an extension of the headquarters, EOIR will generally ask the following questions:

- Is the extension office part of the same legal entity as the headquarters?
- Is the extension office under the same Board of Directors as the headquarters?
- Is the extension office within the same line of management as the headquarters? Do the managers at the extension office report directly to the headquarters?
- Does the headquarters have central oversight of the personnel and procedure at the extension office? Is headquarters involved in the hiring of personnel at the extension office? Does the headquarters set program policies and standard practices for the extension office?
- Does the headquarters conduct periodic site visits of the extension office? If so, how often? How does headquarters communicate with the personnel at the extension office?
- Does the headquarters have centralized legal resources and training for the personnel at the extension office?
- Where is the extension office geographically located with respect to the headquarters?
- How many extension offices does the headquarters have?

- Does the extension office receive any funding directly from the headquarters? How does the headquarters determine how to fund the extension office?
- Is the extension office included in the headquarters' legal malpractice insurance policy?
- Has the headquarters had prior issues with supervising other extension offices?

To have its extension office approved, a headquarters does not need to meet all of the factors above; however, it should be able to meet most of the factors. EOIR will consider a totality of the circumstances to determine if an organization's recognition should be extended from the headquarters to a separate office.

Transition to Current Rule:

74. What responsibilities do Recognized Organizations have under the current rule?

As of January 18, 2017, all DOJ Recognized Organizations are required to:

- Renew their recognition pursuant to 8 C.F.R. § 1292.16 (FAQ #63);
- Report material changes to EOIR pursuant to 8 C.F.R. § 1292.14(a) (FAQ # 37-38); and
- Keep a record of the immigration legal services provided and corresponding fee schedule (if any) for the purpose of preparing an annual summary pursuant to 8 C.F.R. § 1292.14(b) (FAQ #64).

75. What authority do BIA decisions on recognition and accreditation have under the current rule?

Pursuant to *Matter of Bay Area Legal Services, Inc.*, 27 I&N Dec. 837 (DIR 2020), unless overruled by subsequent precedent or superseded by statute, regulation, or binding federal court decision, prior precedent decisions of the BIA remain binding in recognition and accreditation proceedings, including consideration of requests for reconsideration and administrative review.

Appendix A

Sample Annual Summaries

SUMMARY OF LEGAL SERVICES PROVIDED BY

[REDACTED]

FOR 2017

Education/Outreach Presentations: 423
Intakes/Consultation: 791
Applications prepared and filed before USCIS: 455
Appearances in immigration court: 127 open cases during 2017
BIA appeals: 2

Service provided pro bono: 389
Clients charged according to fee schedule: 193

Total clients served in 2017: 2,380

General Description of Immigration Legal Services at [REDACTED]

Overview. [REDACTED] founded in 1914 as a settlement house, has provided services to immigrants continuously since then. We have been BIA Accredited since 1958. During 2017, we have provided most of our services pro-bono through California Department of Social Service contracts. The state contracts fund the following services: Education and outreach presentations, intake and consultation, Unaccompanied Minors applying for SIJS and TVPRA; removal defense for unaccompanied minors, removal defense for non-detained adults, affirmative asylum for adults, family based immigration (including family petitions, adjustment of status, and consular processing), I-90 green card renewal, U-visas, VAWA, TPS renewal, FOIA, DACA and other brief services. In addition, we provided information and consultation to beneficiaries of the Central American Minors program.

Charlas (*public presentations in Spanish*). Education and Outreach presentations were conducted at our [REDACTED], as well as at other community venues such as schools, libraries, and other non-profits. We regularly partner with community groups to provide outreach services to indigenous Oaxacan communities. Five such events were held in 2017 and are reflected in the numbers above.

Intake and consultation. Consultations are counted as a unit of service, and is based on the total number of intake appointments conducted. If a client returns for more than one appointment (for example to bring in additional paperwork), those clients are only counted once. In addition to the public presentations, the pro-bono list at court provides calls as well as word of mouth from other clients.

Applications submitted to USCIS. Applications and services in the family-based immigration program are substantially funded by the DSS grant, however we also take on fee-based cases at a reduced or discounted rate (see attached memo and price list), especially when it appears that the client has had difficulty finding services elsewhere. Of our fee based cases (193) all of them are

in the services area (and not in removal proceedings). The largest number of those applications are naturalization (N-400) followed by relative petition, (I-130) and FOIA. The numbers include only administratively filed cases who are not in proceedings.

Court cases. While 118 of our open court cases in 2017 were unaccompanied minors, we were also representing a number of adults, particularly women and children recently released from detention who were seeking asylum. With four attorneys on staff, our goal is to maintain an attorney caseload of approximately 30 cases. The average is slightly higher than that because cases that were concluded in 2017 were replaced by other new cases. When clients have more than one remedy, for example, an unaccompanied minor who has both an asylum cases and a Special Immigrant Juvenile Case in family court, we count the client only once for the above totals.

Annual Summary of Immigration Legal Services for the Office of Legal Access Programs (OLAP)

Name of Organization: [REDACTED]

Time Period Covered: January – December 2017

1) Total number of clients served during this period: (Please see also attached chart of services for 2017) In 2017, [REDACTED] provided application assistance for **4,185** applicants and provided **1,361** consultations for forms of immigration relief. We also served **1,535** individuals through a one hour informational session regarding eligibility for and requirements for applying for citizenship. Through general outreach about our services we reached more than **10,000** individuals.

2) Total number of clients provided services at no cost during this period: Of the above mentioned totals all services were provided without charge except for approximately **460** applications services such as (Green Card Renewals, Work Permits, DS-260s, Affidavits of Support, Removals of Conditional Residency and FOIAs). For the remaining **3,725** applications we were able to not charge our clients any fees.

3) General description of the immigration legal services and other immigration-related services (e.g., educational or outreach events) provided by the organization: [REDACTED] offers immigration legal services related to its core mission of serving low-income members of the immigrant community to realize the benefits, rights, and responsibilities of full participation in our society. [REDACTED] currently has nineteen active partially accredited representatives who serve clients primarily at our recognized office in [REDACTED] and are available to serve at our sub-office in [REDACTED]. Additionally we employ one full time Immigration Attorney licensed to practice law in the state of California. [REDACTED] provides consultations, citizenship, family based petitions for consular processing and adjustment of status in the U.S., VAWA, U-Visas, Waivers for Unlawful Presence, Waivers for other grounds of inadmissibility, Green Card Renewals, Work Permits, DACA and DACA Renewals (discontinued October 5, 2017), Freedom of Information Act Requests, Fiancé Visas, Removal of Conditional Residence, Derivative Citizenship, Affidavits of Support and DS 260s, Parole in Place and Fee Waivers. We also provide education and information through on and off site outreach and educational events including Citizenship Informational Sessions and free Citizenship Classes.

4) Statement regarding whether services were provided pro bono or clients were charged in accordance with a fee schedule: Our agency is recognized by the Internal Revenue Service as a nonprofit charitable organization. We charge clients nominal fees for immigration legal services. We do not have membership dues. No one will be denied services based on an inability to pay. We currently have funding from a variety of sources such as USCIS, the State of California, [REDACTED] Community Foundation and The Mexican Consulate that allows to provide most of our services at no cost and the ability to waive client fees when needed due to income of special circumstances. . Please see the attached fee schedule.

5) Organization policies or guidance regarding fee waivers and reduced fees: Please see attached excerpt on fee waivers from our case management policies and procedures manual.

6) List of the offices or locations where the immigration legal services were provided:

Address for main office: [REDACTED]

Address for sub-office: [REDACTED]

Attachments:

Chart of Annual Services Provided for 2017

Fee Schedule for Immigration Legal Services (if organization charges fees)

Organization's Policy on Fee Waivers and Reduced Fees (if not described above)

IMMIGRATION SERVICES PROGRAM SERVICES SUMMARY 2017	PROJECTED	17-Jan	17-Feb	17-Mar	17-Apr	17-May	17-Jun	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	YEAR TO DATE TOTAL
Citizenship Program	1000	127	220	264	221	255	167	254	287	218	177	148	83	2421
Applications (N-400)		72	109	159	133	169	102	89	207	142	105	82	41	1410
N-565 (Application for Cert. Of			1			1		-	1	1			1	5
Citizenship Classes		55	110	105	88	85	65	60	67	66	60	59	35	855
books		7	25	12	4	20	10	10	12	9	12	7	6	134
N-400 info sessions			120	300	240	172	156	95	145	97	70	99	41	1535
Immigration Program	1500	186	157	201	231	228	290	219	305	397	239	147	175	2775
I-130 Petition for Alien Relative		3	20	17	23	10	17	21	14	15	19	20	20	199
I-864 Affidavit of Support for		1	2	3	4	6	14	7	10	10	8	4	2	71
NVC Inquiry		1	1	4	1	1	1				2			11
DS-261									1					1
Ds-260		8	2	1	4	2	1	2	6	2	2	4	5	39
I-90 Replacement of Green Card		10	17	22	15	38	26	36	16	27	35	31	26	299
Upgrade to U.S. Citizen Petition														0
Translation		2	1		3	2	3		1					12
FBI Rap Sheet								1						1
Adjustment		5	5	10	8	9	12	9	5	12	10	13	15	113
Temporary Protected Status													1	1
I-134 Affidavit of Support for Visitor			1						1	1	1			4
I-485 Refugee/Asylee/Cuban		1	1											2
I-131 Re-entry Permit/Farole in Place			2		1		1	2	1		1			8
Interview Preparation														0
Address Change						2		1						3
I-765 Work Authorization		1	3	1		2	3				4		3	17
I-601 A Waiver			2		3	3	1		1	1			2	13
I-751			2					1	3	2	3			11
I-129 K-Visa										1	1			2
I-824 (Duplicate of I-797)														0
FOIA		1	5	3	7	11	8	2	8	4	2	2	6	59
Deferred Action (DACA)		1		3	5	8	12	14	12	10				65
I-601				1										1
Other				2									1	3
N-600									3		1	1	3	8
DACA Renewal		30	40	33	36	33	39	48	54	124	13	-		450
DACA Orientation														0
Information/Consultations		120	53	100	120	100	150	73	165	188	133	70	89	1361
U VISA		2					1	2	3		1		2	11
U VISA ADJUSTMENT						1	1				3			5
VAWA ADJUSTMENT				1								1		2
N-400 INFO														0
VAWA					1				1			1		3
(walk-ins)		300	300	200	0	0	0							800
Immigration Program (phone calls)	6000	1000	1000	1000	1000	1000	1000	1,000	1,000	1,000	1,000	1,000	1,000	12000
Total Program Services Provided		1613	1677	1665	1452	1483	1457	1473	1592	1615	1416	1295	1258	17996

Appendix B
Sample Training Lists

Immigration Education and Trainings			
DATE	EDUCATION/LEGAL TRAINING TITLE	INSTRUCTOR OR AGENCY/ MODE OF INSTRUCTION	HOURS
YEAR			
MONTH/DAY	TRAINING TITLE	INSTRUCTOR/MODE	#
<i>04/30/2020 - 06/01/2020</i>	<i>Immigration Detention, Bond Hearings, Limited Representation, Drug Crimes, Visa Status, Affidavits of Support, Waivers, Fraud, Potential Regulatory Changes, Ethics.</i>	<i>Jane Doe/Webinar</i>	<i>14</i>
<i>07/16/2020</i>	<i>A Day in Immigration Court</i>	<i>Immigrant Assistance, Inc./On Demand</i>	<i>2</i>
HOURS COMPLETED YEARLY			16
TOTAL ACCUMULATED NUMBER OF HOURS OVER THE YEARS			160.25

Italicized text is for formatting reference only and does not represent trainings known to EOIR or that EOIR finds acceptable/required for purposes of application. “YEAR” is included at the top of the “DATE” section so applicants can include multiple entries per year but ensure trainings hours are reported based on annual trainings received.