




EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

RECOGNITION AND ACCREDITATION PROGRAM OVERVIEW


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Representation of Others

- Immigration law provides that aliens in immigration proceedings have the privilege of being represented, at no expense to the government, by counsel selected by the alien and authorized to practice (Section 292 of the Immigration and Nationality Act, 8 U.S.C. 1362).
- Federal regulations (8 CFR, Part 1292) specify who may represent an alien in immigration proceedings and the criteria they must meet.

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Representation of Others

- A non-profit religious, charitable, social service, or similar organization established in the United States and recognized as such by the Board of Immigration Appeals ("Board") may designate a representative or representatives to practice before the Service alone or the Service and the Board (including practice before the immigration court). 8 C.F.R. § 1292.2.

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A Qualified Organization must...

- Make only nominal charges and assess no excessive membership dues; and
- Have at its disposal adequate knowledge, information and experience to provide immigration services.

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What are "Nominal Charges"?

- The Board uses a case-by-case analysis and gives the word "nominal" its usual and customary meaning.
- "Nominal charges" are not defined in terms of specific dollar amounts but have been interpreted to mean a very small quantity or something existing in name only, as distinguished from something real or actual.
- See *Matter of American Paralegal Academy, Inc.*, 19 I. & N. Dec. 386 (1986).

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Requesting Recognition for Your Organization

- **Completion of EOIR-31** (available on EOIR's website at <http://www.usdoj.gov/eoir/eoirforms/eoir31.pdf>)
 - A copy of the EOIR-31 must be sent to the local District Director for Citizenship and Immigration Services (USCIS)
 - A second copy of the form is sent to the special agent in charge of the local office of Immigration and Customs Enforcement (ICE)
 - The original completed form must be sent directly to EOIR's Recognition and Accreditation Coordinator with **Proof of Service** (indicating that a copy was sent to the above two DHS offices)
 - Ms. Angela Revis, Recognition and Accreditation Program Coordinator
Executive Office for Immigration Review
Office of General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
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Requesting Recognition for Your Organization

- Application Materials Should Include:
 - If the organization is chartered, attach a copy of the Charter, Constitution, Articles of Incorporation, and/or Bylaws
 - Description and/or diagram of the organizational structure, showing supervision of staff members
 - Information regarding nominal charges:
 - A copy of fee schedule and/or explanation of sources of funding for the organization other than dues or fees
 - Information regarding charges or membership dues, if any

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Requesting Recognition for Your Organization

- Application Materials Should Include:
 - Information regarding the organization's knowledge, information, and experience:
 - Detailed statement regarding the organization's knowledge, information, and experience
 - Documentation regarding any supervision or assistance provided by attorneys, including proof of the immigration expertise of the attorneys
 - Resumes of employees
 - Letters of recommendation
 - Certificates from training courses, conferences, or other educational activities
 - Writing samples
 - Description of legal resource materials and a list of library resources

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Requesting Recognition for Your Organization – What to Expect

- The District Director of USCIS has 30 days from the date of service to forward a recommendation to the Board for approval or disapproval of the application.
- The District Director shall include proof of service of a copy of such a recommendation or request on the organization.
- The Organization has 30 days to file a response with the Board if the District Director's recommendation was other than favorable.

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Requesting Recognition for Your Organization – What to Expect

- The application for recognition is forwarded to the Board, who adjudicates the application.
- If the application is approved, the organization's name is added to the roster of recognized organizations and accredited representatives (updated quarterly).
- An organization's recognition does not expire. However, the Board may withdraw an organization's recognition at any time if the organization fails to maintain the qualifications required by regulations.

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Helpful Tips for Recognized Organizations

- If an organization maintains offices in multiple locations and would like all locations recognized by the Board, a separate application is required for each location.
- Always include the certificate of service/ proof of service (not having a certificate can delay processing of application).

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Helpful Tips for Recognized Organizations

- Notify EOIR immediately of the following circumstances:
 - Name change of organization – The roster lists the name of the organization as it is listed when recognition was granted;
 - Change of address;
 - If an accredited representative with the organization changes his/her name; and
 - If an accredited representative is no longer working with the organization.

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Accreditation of Representatives

- An organization recognized by the Board may apply for accreditation of persons of good moral character as its representatives.
- The application procedures for accreditation are similar to applying for recognition, i.e. potential representatives may charge or accept a nominal fee set by the organization.
 - Accreditation is not transferable from one organization to another. A new application is needed when a representative works with a new organization.
 - There is no formal application for accreditation. Instead, an organization should submit a letter on organizational letterhead requesting accreditation and setting forth the proposed representative's qualifications with supporting documentation.

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Accreditation of Representatives

- Accredited Representatives are subject to the Rules of Professional Conduct for Practitioners
 - 8 C.F.R. §1292.3(a)(2) states that persons subject to sanctions for violating the rules of professional conduct includes any representative as defined in 8 C.F.R. § 1001.1(j) (stating that the term representative refers to a person who is entitled to represent others as provided in 8 C.F.R. §§1292.1(a) (2), (3), (4), (5), (6), and 1292.1(b)).
 - All accredited representatives should familiarize themselves with the Rules of Professional Conduct found at 8 C.F.R. § 1292.3.

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Types of Accreditation

- **Full Accreditation:** Allows the representative to represent the alien before DHS, Immigration Courts, and the Board.
- **Partial Accreditation:** Allows the representative to represent aliens before DHS **ONLY**.

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Applying for Accreditation

- An Application for Accreditation Should:
 - *Clearly* state what category of accreditation is being sought.
 - **FULL ACCREDITATION** or
 - **PARTIAL ACCREDITATION**
 - Set forth the nature and extent of the proposed representative's experience and knowledge of immigration and naturalization law and procedure.
 - Application materials should be held together by a rubber band, paperclip, or binder clip. Do not send applications in binders.

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Full Accreditation

- List of items generally considered when applying for Full Accreditation:
 - A cover letter from the organization requesting the accreditation
 - Resume
 - Letters of Recommendation
 - Statement of Qualifications
 - Length of time that the individual has been with the organization;
 - Supervision: Whether or not the individual is supervised by an attorney or accredited representative;
 - Training: Training certificates, and/or list of training/conferences/classes attended. Give details regarding the content of the training;

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Full Accreditation

- List of items generally considered when applying for Full Accreditation (cont.):
 - Statement of Qualifications (cont.)
 - Legal Experience: Whether or not the individual has litigation skills (performs legal research, drafts briefs or motions, and has experience introducing evidence and questioning witnesses) and the individual's familiarity with the practice and procedure of immigration law before EOIR and DHS; and
 - Explain how the individual will be able to use his or her skills to advocate effectively before the Immigration Courts, the Board, and the DHS.
 - Certificate of Service

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Partial Accreditation

List of items generally considered when applying for Partial Accreditation:

- A cover letter from the organization requesting the accreditation
- Resume
- Letters of Recommendation
- Statement of Qualifications
 - Length of time that the individual has been with the organization;
 - Supervision: Whether or not the individual is supervised by an attorney or accredited representative;
 - Familiarity with the practice and procedure of immigration law before the DHS;
 - Training: Training certificates, and/or list of training/conferences/classes attended. Give details regarding the content of the training, and

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Partial Accreditation

List of items generally considered when applying for Partial Accreditation (cont.):

- Statement of Qualifications (cont.)
 - Explain how the individual will be able to use his or her skills to to represent aliens before the DHS.
- Certificate of Service

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How Long Does an Accreditation Last?

- The Board's accreditation of representatives expires every *three years*, but can be renewed.
- If an application for renewal is filed at least 60 days before the end of the third year, accreditation will remain valid pending the Board's consideration of the application for renewal.

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Recognition and Accreditation Application and Rosters

- EOIR-31 can be found at <http://www.usdoj.gov/eoir/eoirforms/eoir31.pdf>
- The Rosters can be viewed in three formats:
 - Alphabetical order: <http://www.usdoj.gov/eoir/statspub/recognitionaccreditationroster.pdf>
 - State, then by City: <http://www.usdoj.gov/eoir/statspub/recognitionaccreditationrosterwithstatecity.pdf>
 - Representatives: <http://www.usdoj.gov/eoir/statspub/accreditedreproster.pdf>

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Frequently Asked Questions

- Can my application for Recognition Accreditation be expedited?
 - By regulation, the DHS has 30 days to respond review and recommend approval or disapproval of an application for recognition or accreditation. The DHS may also ask for additional time in which to conduct an investigation or otherwise obtain relevant information regarding the applicant.
 - The 30-day period also applies to an already-accredited representative who is changing organizations or seeking accreditation at a satellite office of the same organization in which he or she is already affiliated.

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Frequently Asked Questions

- What is the normal processing time for applications for recognition and accreditation?
 - At this time, normal processing time for applications for recognition and accreditation is about 3 months.

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Frequently Asked Questions

- If the DHS approves of my application for recognition or accreditation, why has the Board denied my application?
 - The Board takes the views of DHS into consideration when adjudicating an application. However, the Board makes a final, independent decision on an application.

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Frequently Asked Questions

- If an accredited representative leaves one recognized organization to work for another recognized organization, is that individual's accreditation still valid?
 - No. Accreditation does not carry over from one organization to another. An individual's status as an accredited representative terminates when that individual's employment with the organization terminates. When a former accredited representative joins a new organization, he or she must once again apply for accreditation.

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Frequently Asked Questions

- Does EOIR's Office of the General Counsel issue notifications when an individual's accreditation is about to expire?
 - At this time, the General Counsel's Office does *not* send notification when an individual's accreditation is about to expire.
 - It is the sole responsibility of the recognized organization to seek renewal of an accredited representative's accreditation before the accreditation expires.

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Frequently Asked Questions

- What is a Certificate of Service?
 - A certificate of service is a certified statement that a copy of the application for recognition and/or accreditation has been sent to (1) the local District Director for USCIS and (2) the local special agent in charge for ICE.

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Frequently Asked Questions

- Does EOIR create an identification card stating that an individual is an accredited representative?
 - EOIR does not issue identification cards stating an individual's status as an accredited representative.
 - The Board's decision approving an individual's application for accreditation is validation of an accredited representative's status.

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Frequently Asked Questions

- Will recognition of my organization automatically place my organization on the immigration court's list of free legal service providers?
 - The roster of recognized organizations and accredited representatives is separate from the list of free legal service providers, which is maintained by the Office of the Chief Immigration Judge.
 - For more information about the free legal services provider list, contact your local immigration court.

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Contact Information

- Send applications to:
Ms. Angela Revis, Recognition and Accreditation Program Coordinator
Executive Office for Immigration Review
Office of the General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
- If you have any questions, please call:
Angela Revis, Recognition and Accreditation Program Coordinator, or
Barbara Leen, Associate General Counsel, at (703) 305-0470

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