

# **BIA RECOGNITION AND ACCREDITATION**

## **A Step-by-Step Guide for Non-Profit Community-Based Agency Staff: Applying for Agency Site Recognition and Agency Staff/Volunteer Accreditation From The Board of Immigration Appeals**



**March 2008**

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## **Key to Symbols**

**Checklist box for item that must be completed.**

## **Section I**

**What Is the Board of Immigration Appeals  
(BIA),  
Agency Site Recognition,  
And Agency Staff/Volunteer Accreditation?**

The Board of Immigration Appeals (BIA), located in Falls Church, VA, is part of the United States Department of Justice. The BIA, among other duties, handles applications for agency site recognition and agency staff/volunteer accreditation of non-lawyers to practice immigration law.

Unless an office has an attorney on staff, each office location must be **recognized** by the BIA as an organization, **and** have at least one **accredited representative** on staff, in order to legally be providing immigration legal services. The attorney(s) or BIA representative(s) should be the individual(s) who are filling out immigration forms, practicing immigration law and supervising any non-BIA representatives who are also assisting the office's immigration department.

Office recognition (barring unusual circumstances) does not expire. Personal accreditation does expire after three years and needs to be renewed. An accredited representative is **only** authorized to assist clients at the recognized sites of the organization at which s/he is accredited. An accredited representative may be full-time, part-time, or a volunteer. He or she may even become accredited at more than one agency.

There are two types of accreditation:

**Partial accreditation** allows the representative to counsel immigration clients, complete immigration forms, and represent clients before the Citizenship and Immigration Service (CIS). The partially accredited representative can fill out CIS forms and accompany clients to CIS interviews.

**Full accreditation** allows the representative to do everything that a partially accredited representative can do, and represent clients before the Executive Office for Immigration Review (EOIR). EOIR is composed of the Immigration Courts and the Board of Immigration Appeals. Therefore, a fully accredited representative can also represent clients in removal, summary removal, rescission and other proceedings in immigration court. He or she may handle appeals to the BIA. However full accreditation does not permit a representative to represent anyone before state courts, the federal Courts of Appeals, or the U.S. Supreme Court.

For more information on BIA recognition and accreditation, including a current roster of BIA-recognized offices and accredited representatives, see <http://www.usdoj.gov/eoir/press/06/AccreditationFactSheetMarch202006.htm>.

This step-by-step guide is broken up into separate sections, depending on whether you are applying for your office's recognition and staff accreditation (Section II), or only staff accreditation (Section III) or renewal (Section IV).

## **Section II**

**What Is the Process for Applying for BIA  
Agency Site Recognition While Applying for  
Agency Staff/Volunteer Accreditation?**

(If your office is already recognized and you are just applying for new or renewing staff, skip to section III below.)

To be recognized by the BIA, an organization must have established that it has adequate knowledge and experience to provide immigration legal services, and that it charges or accepts only **nominal** fees for those services.

The focus in this section is to prove that your office has experience in immigration law as well as resources and access to resources, including both law libraries and electronic information, and access to other immigration experts.

The Application must include all of the following required elements.

### **A. Information on Office Applying for Recognition**

#### **\_ Cover Letter and Table of Contents**

Include a cover letter describing the attached application, with a table of contents. (The table of contents may be included in the letter itself, or on a separate page.)

The cover letter will need to be from the supervisor of the applicant(s) applying for individual accreditation. For example, if the director is not applying for accreditation, the director should sign the cover letter. However, if the director is applying, his/her supervisor should sign. If a director is applying, the chair of the board of directors should sign.

The cover letter should explain that the application is for the office as well as list any staff who is applying for accreditation, so it is a basic outline of the whole application. The supervisor of each staff member will also write a separate letter of recommendation (discussed below).

#### **\_ The EOIR-31 form.**

\_ Print out and complete this form from the EOIR website, at: <http://www.usdoj.gov/eoir/eoirforms/eoir31.pdf>. It may be filled in online and printed out.

Apply for the individual office you are applying for, such as “Battered Women’s Legal Advocacy Project Minneapolis, MN.”

On question 3, mark that we are a non-profit agency.

The same individual who wrote the cover letter should sign the EOIR-31 application at the bottom of the page.

On page two, fill in the appropriate addresses for CIS and ICE, as described in Section IV below on, “Where and How Do I Mail the Application?”

The individual who is actually mailing the application needs to sign and date, indicating when s/he mailed the application.

**\_ Articles of Incorporation**

**\_ Internal Revenue Service (IRS) 501(3) (c) Letter**

**\_ Organizational Chart for the Office**

This may list the staff in the office and the office's connection to the other offices if your agency has more than one office. Of greatest importance is to show the chain of supervision of the person(s) who will be providing legal immigration services.

**\_ Office Description and Brochure (if available)**

If you have a brochure, attach that. If the immigration program has a separate brochure, attach that as well.

**\_ List of Proposed Fees if your agency will be charging fees**

**\_ List of Office's Funding Sources**

This is a minimal document listing the amounts and sources of funding for your agency. Most agencies will list the grants they receive and any fees they take in. Do not submit a budget and do not submit an audit. To reiterate, this is a very basic list of agency financial support.

**\_ List of Immigration Legal Resources Available to the Office**

Because we use the internet so frequently now in our work, it is imperative that you mention the types of information you find online (especially if your own law library is small).

**\_ List of Law Libraries Available to the Office**

List any local law libraries to which your office has access, including but not limited to, law schools, city/county/state law libraries, or law libraries of law firms or other non-profit agencies.

**B. Information on Individual Applying for Accreditation**

This information must be included with a joint recognition and accreditation application, in addition to the information in Section A on office information.

**\_ Resume of Individual Applying for Accreditation**

Resumes should include the individual's education and work experience, including immigration experience. They should also list the types of immigration forms the individual has worked on, by form number and title (for example: I-360, Petition for Amerasian, Widow(er), or Special Immigrant). Include in the trainings section information on the dates, sponsoring agencies, and locations of all immigration law and practice trainings the individual has attended. The resume should also list any languages the individual speaks, as well as mentioning the individual's experience working with people from different countries. It is a good idea to include any community service the applicant has performed.

### **\_ Certificates and Agendas of Trainings Individual Has Attended**

It is ideal to include both the agendas and certificates (if received) for all trainings. However, both may not be available. If neither is available, include a short description of the training in the resume.

### **\_ Letters of Recommendation**

Note that if you are applying for office recognition and individual accreditation, you need letters of recommendation for the office's recognition and the individual's accreditation. These letters can speak to both recognition and accreditation, or one or the other. For example, some recommenders will be familiar with the office but not the individual, and some may be familiar with the individual but less familiar with the office overall.

It is recommended that you obtain letters of recommendation from the supervisor of the individual applying for accreditation and a local immigration law practitioner who is familiar with the applicant's immigration legal skills and knowledge, i.e., a BIA accredited representative or an attorney. If applying for recognition at the same time, obtain a letter or two from outside sources recommending recognition and/or accreditation.

Letters most often come from other local non-profit agencies or immigration legal services programs, other agencies in the community that work with the office (such as immigration coalitions, local law enforcement and courts, departments of human services or local hospitals), Senators or Members of Congress, or other public officials serving the community.

## **Section III**

### **What Is the Process for Applying for Accreditation if the Office Is Already Recognized?**

Once the office is recognized, it remains recognized forever, unless the BIA revokes recognition due to severe problems with the office or if the office notifies the BIA that it has closed the office or immigration department. Office recognition does not need to be renewed.

An office can apply to add more individually accredited representatives at any time. The process is much simpler than applying for office recognition as well as well as accreditation.

### **\_ Cover Letter and Table of Contents**

Include a cover letter describing the attached application, with a table of contents. (The table of contents may be included in the letter itself, or on a separate page.)

The cover letter will need to be from the supervisor of the applicant(s) applying for individual accreditation. This could be the agency or program director or the chair of the board of directors.

The cover letter should state the date on which the office became recognized and also should name the individual(s) who are applying for accreditation.

### **\_ Resume of Individual Applying for Accreditation**

The resume should include the individual's education and work experience, including immigration experience. It should also list the types of immigration forms the individual has worked on, by case number and title (for example: I-130, Petition for Alien Relative). The resume should also list the titles, dates, sponsoring agencies, and locations of all immigration trainings the individual has attended. The resume should also list any languages the individual speaks, as well as mentioning the individual's experience working with people from different countries.

### **\_ Certificates and Agendas of Trainings Individual Has Attended**

It is ideal to include both the agendas and certificates (if received) for all trainings. However, both may not be available. If neither is available, include a short description of the training in the resume.

### **\_ Letters of Recommendation**

Obtain letters of recommendation from the individual's supervisor and an immigration practitioner such as a BIA accredited representative or attorney who is familiar with the applicant's immigration legal work.

Outside letters most often come from other resettlement agencies or immigration legal services programs, other agencies in the community that work with the office (such as immigration coalitions, local law enforcement, departments of human services or local

hospitals), Senators or Members of Congress, or other public officials serving the community.

### **\_ Certificates of Service**

If you are applying for individual accreditation alone, you must prepare a certificate of service to ICE and CIS. (This is incorporated in the EOIR-31 application for new office recognition.) Follow the directions in Section IV on where to send the application copies and how to complete the certificate of service.

## Section IV

### Where and How Do I Mail the Application?

Regardless of whether you are applying for an office and individuals, or an individual alone, you must follow the same mailing process. Please review this process very carefully. If you do not follow it exactly, the BIA will return your application to you without reviewing it.

**Your complete application includes proof of service on CIS and ICE. For new office applications, this proof of service is part of form EOIR-31. For staff applications/renewals, this will be the separate proof of service form you create.**

**Make FOUR copies of the original application (including proof of service), so that you have a total of FIVE.**

1. Mail the original by certified mail, return receipt requested 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

2. Mail a copy of the application by certified mail, return receipt requested, to the Special Agent in Charge for Immigration Customs and Enforcement for your state.

- a. To find the Special Agent for your state, you will need to go to two links on the ICE website.
- b. First go to this page and find which ICE district your state is in.  
<http://www.ice.gov/about/dro/contact.htm>.
- c. Then go to the link for the Special Agent in Charge (SAC), and find the SAC office for the district you have identified.  
<http://www.ice.gov/about/investigations/contact.htm>.
- d. Mail the copy to ICE to the address in letter c.

For example, I work in North Carolina, so I go to <http://www.ice.gov/about/dro/contact.htm> and find out that the ICE field office for my state is Atlanta. Then I go to the Special Agent site at <http://www.ice.gov/about/investigations/contact.htm> and find out that I mail my application to:

**ICE SAC Atlanta**  
1691 Phoenix Boulevard, Suite 250  
Atlanta, GA 30349

(Note that this is a different address than the regular ICE field office.)

3. Mail a copy of the application by certified mail, return receipt requested, to the local district director for USCIS for your area. [Note that CIS has recently changed its office structure to field offices. If you are unsure where to send the USCIS copy, you can contact the accreditation department of the BIA at (703) 605-1007.] In general, to find where to send the USCIS copy:
  - a. Go to [www.uscis.gov](http://www.uscis.gov) and click on Services and Benefits, then Field Offices.
  - b. Find the field office for your city/state.
  - c. Send a copy of the application to the field office.
4. Keep a copy for your office.
5. Send a copy to your national or state network coordinator.

## **Section V**

# **Applying for Renewal Of Agency Staff/Volunteer Accreditation**

An individual who is accredited must file an application to renew accreditation every three years. If an application for renewal is filed at least 60 days before the end of the third year, accreditation will remain valid pending the BIA's consideration of the application. This requires the agency to send it in some way that it can document that the BIA received it before the 60 day period. Most programs send it certified mail, return receipt requested.

If the individual does not apply on time, his or her accreditation ends and s/he is no longer authorized to practice immigration law. Therefore it is vital that representatives renew on time. S/he will not be eligible to engage in the authorized practice of law until their accreditation application is granted.

If there is no representative who is currently accredited on staff, that office is not authorized to practice immigration law because at least one accredited representative is required (even though the office remains recognized). If an individual does not apply on time, s/he must file a new application as soon as possible.

The renewal application should state the last time that the individual was accredited (the first time, or the last renewal). It is important to indicate if the individual has received additional experience (e.g., more types of cases or more complex cases) and training.

While there is no set requirement that additional training was received since the last accreditation period, the individual should show some ongoing training. The industry standard is 20-40 hours of immigration law training/year. This training can be in-person, via audio tape, or by accessing archived materials on internet immigration law websites.

### **Resume of Individual Applying for Accreditation**

The resume should include the individual's education and work experience, including immigration experience. It should also list the types of immigration forms the individual has worked on, by case number and title (for example: I-130, Petition for Alien Relative). The resume should also list the titles, dates, sponsoring agencies, and locations of all immigration trainings the individual has attended. The resume should also list any languages the individual speaks, as well as mentioning the individual's experience working with people from different countries. It is helpful to include any community service the applicant has performed. Include the applicant's supervisor and someone who is a BIA accredited representative or attorney or in law enforcement as references.

Make sure that the resume lists when the individual first became BIA-accredited.

### **Certificates and Agendas of Trainings Individual Has Attended**

It is only necessary to include copies of certificates and agendas for trainings that have occurred since the last accreditation period. It is ideal to include both the agendas and certificates (if received) for all recent trainings. However, both may not be available. If neither is available, include a short description of the training in the resume.

## **\_ Letters of Recommendation**

Letters of recommendation are not required, but should be included. For example, you may wish to obtain letters of recommendation from the individual's supervisor and someone such as a BIA accredited representative or immigration attorney who is familiar with the applicant's legal work.

## Section VI. Sample Request to the BIA for Agency Site Recognition and Agency Staff Accreditation

March 5, 2008

Ms. Angela Revis, Coordinator  
Recognition and Accreditation Program  
Board of Immigration Appeals  
P.O. Box 8530  
Falls Church, VA 22041

RE: REQUEST FOR RECOGNITION OF THE DOMESTIC VIOLENCE CENTER (DVC) OFFICE LOCATED AT 555 MAIN STREET, ANYTOWN, IOWA 50500

REQUEST FOR PARTIAL ACCREDITATION OF DVC EMPLOYEE  
FULANA MARIA DE TAL (DE TAL)

Dear Coordinator Revis:

I ask the Board of Immigration Appeals (BIA) to please grant recognition to the office mentioned above under 8 Code of Federal Regulations (CFR), Section 292.2(a). Please also grant Fulana Maria De Tal (De Tal) agency staff accreditation pursuant to 8 CFR, Section 292.2 (d).

DVC provides a myriad of domestic violence treatment and prevention services in the city of Anytown. With this application DVC seeks to begin providing immigration legal services to immigrant survivors of domestic violence as the need is so much greater than the existing resource.

Our agency has sufficient knowledge and experience with immigration and naturalization law to merit your grant of recognition. De Tal has sufficient knowledge and experience with immigration and naturalization law, is of the highest moral character and merits partial accreditation.

Fees

Our agency is recognized by the Internal Revenue Service as a nonprofit charitable organization. We do not charge clients fees for immigration legal services and have no membership dues.

Type of Immigration Services Offered

The DVC has at its disposal adequate knowledge, information, and experience in

immigration law and procedure, as required by 8 CFR § 292.2 (b) and reiterated by *Matter of Lutheran Ministries of Florida*, 20 I&N Dec. 185 (BIA 1990). That decision elaborates on this requirement, explaining that an agency must have some knowledge of “the visa petition process, and exclusion and deportation.” *Lutheran Ministries* 185, 186. It is important to note that this decision does *not* require that an agency actually offer representation in removal proceedings, nor indeed does it (or any other decision) require that a recognized agency offer any specific immigration legal service. What the decision does require is that an agency has sufficient knowledge of immigration law and procedure, including knowledge about visa petitions and removal proceedings. This agency has fulfilled that requirement through its staff member’s attendance at six trainings dealing with the Violence Against Women Act and one that gave an overview of immigration law and benefits. As documented by letters of reference from individuals such as Joe Smith, Member, American Immigration Lawyers Association, De Tal has experience in immigration law, including working closely with immigration attorneys on documenting I-360 Self Petitions for battered immigrants.

Furthermore, 8 CFR §292.2(d) sets out two levels of accreditation: practice before USCIS only (“partial”) and before USCIS and EOIR (“full”); agencies may apply for either for their employees. Partial accreditation does not allow for representation in removal proceedings; there is no requirement that an agency seek full accreditation for its employees (and in fact the vast majority of currently accredited representatives are partially accredited). The regulations specifically contemplate that agencies may choose *not* to offer a “full range” of immigration legal services, including removal defense. This agency is currently seeking partial accreditation for its employee(s), and thus would not be able to offer representation in removal proceedings were its applications approved.

The DVC will offer immigration legal services related to its core mission of serving survivors of domestic violence. These include the I-360 special immigrant battered petition, I-485 adjustment of status, the I-918 petition for U non-immigrant status, other immigration benefits appropriate and incidental to survivors of domestic violence and any other immigration benefit that will assist the survivor with independently obtaining status, e.g., N-400 naturalization application. DVC will also screen every client for other potential immigration benefit eligibility, e.g., asylum, VAWA cancellation of removal, acquired and derivative citizenship, etc.

#### Outside Funding That Supports the Program

DVC does not charge fees or access any dues. The entire cost of service provision is born by the general budget of the agency and we furnish you with a statement of sources of funding for the agency.

#### Immigration Legal Services Caseload

Currently, DVC has no immigration legal services caseload. Two paragraphs above there is a description of the work we will be authorized to perform once your Board is kind enough to allow us to help battered women navigate the immigration legal system by granting us recognition. We will begin to take on a case load once we have agency site

recognition and agency staff accreditation.

Thank you very much for your fair and rapid consideration of my request, on behalf of the Domestic Violence Center, for agency site recognition and agency staff partial accreditation.

Sincerely,

Katherine Jones, Executive Director

Enclosures:

Cover Page: BIA Staff Accreditation and Agency Site Recognition  
EOIR-31  
Evidence of Tax-Exempt Status (IRS 501 (C) (3) letter of September 22, 2006)  
Statement of Sources of Funding  
Organization By-Laws  
Organization Articles of Incorporation  
List of On-Site & Internet Immigration Law Library Resources  
List of Technical Support Organizations  
Staff Resume for Fulana Maria De Tal  
Chart Showing Supervisory System  
Letters of Recommendation for Fulana Maria De Tal  
Copies of Agendas for Immigration Law Trainings

**Guide Prepared by Amy Bliss Tenney, Immigration Legal Services Staff Attorney, World Relief, 443-451-1992; [atenney@wr.org](mailto:atenney@wr.org)  
Edited and Updated by Jack Holmgren, Field Office Attorney, Catholic Legal Immigration Network, 415-394-8074; [jholmgren@cliniclegal.org](mailto:jholmgren@cliniclegal.org)**

**Sample documents prepared by Amy Bliss Tenney and Jack Holmgren. They are not samples from actual applications, and there is no guarantee that such applications would be approved.**

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