Meet Your Presenters

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Overview

• Background on new rule
• Eligibility requirements for recognition
• Reporting, recordkeeping, and posting
• Application forms, evidence, & process
• Tips for success
• Resources
Recent Rule Change

- R&A rules mostly unchanged since 1984
- Revision process started in 2012
- Final rule took effect on **January 18, 2017**
- Administration of R&A transferred from Board of Immigration Appeals (BIA) to Office of Legal Access Programs (OLAP)
  
  Program now called “DOJ R&A”

Eligibility for Recognition

- Must be a non-profit religious, charitable, social service or similar organization
- Must provide services primarily to low-income and indigent clients within the U.S. (NEW)
- If org. charges fees, must have a written policy for persons unable to pay (NEW)
- Must have Federal tax exempt status (NEW)
- Must have at least 1 accredited rep (NEW)
- Must have access to adequate knowledge, information, & experience on immigration law & procedure
- Must designate authorized officer to act on org’s behalf (NEW)

Other Changes

- Recognition must be renewed every 6 years
- Organizations recognized before 1/18/17 must renew in 1-3 years before starting 6 year cycle
- First time recognition is conditional, for 2 years
- Orgs without federal tax exempt status can be approved if they have applied for the status
- Extension of recognition to sub-offices
- Reporting, recordkeeping, and posting requirements
- Updated Forms EOIR-31 and EOIR-31A, both now mandatory
When to renew recognition the first time?

- Orgs. without an accred. rep. on 1/18/17 were required to apply for renewal of recognition within 1 year (prior to 1/18/18)
- Orgs. that were recognized more than 10 years as of 1/18/17 were required to apply for renewal within 2 years (prior to 1/18/19)
- Orgs. that were recognized less than 10 years as of 1/18/17 must apply for renewal within 3 years (prior to 1/18/20)

Extension of Recognition

- New option
- In lieu of filing separate application for each sub-office, can file single application for two or more offices
- For each sub-office, must attest that organization periodically conducts inspections, exercises supervision and control over accredited reps, and provides access to adequate legal resources
- OLAP may require separate recognition if distinct operations, management structure, or funding sources
- Supporting documentation would include: organizational chart, law library resources, budget, & fee schedule

Reporting, Recordkeeping, & Posting

- Recognized organization has duty to promptly report any changes to OLAP (within 30 days)
- Recognized organization must compile fee schedules and annual summary and retain for 6 years from date record is created
- Org. may be required by OLAP to post certain public notices regarding R&A
What’s in the annual summary?

- **Total number of clients served** (includes client intakes; applications prepared and filed with USCIS; cases in which the organization’s attorneys or accredited representatives appeared before the Immigration Courts or the Board; or referrals to attorneys or other organizations);
- **Total number of clients served at no cost**;
- **General description of immigration legal services & other immigration-related services** (e.g., educational or outreach events) provided;
- **Statement** regarding whether services were provided pro bono or clients were charged in accordance with fee schedule;
- **Organization’s policies/guidance on fee waivers and reduced fees**;
- **List of the offices or locations** where immigration legal services were provided; and
- **Fee schedule(s) for reporting period**

The Recognition Renewal Application

- **Brief cover letter with list of enclosures**
- **Form EOIR-31**, [https://www.justice.gov/eoir/file/eoir31/download](https://www.justice.gov/eoir/file/eoir31/download)
- **Supporting documentation**

Completing Form EOIR-31

- **Part 1. Organization Seeking Recognition**
- **Part 2. Type of Recognition Sought**
- **Parts 3 & 4. Extension of Recognition to Other Offices**
  - Evidence: Organizational chart, law library resources, budget, & fee schedule. Any additional relevant information that is different from HQ.
Completing Form EOIR-31, cont’d

• Complete Parts 5-9 and submit supporting documentation for any information that has changed since last recognition date

Completing Form EOIR-31, cont’d

• Part 5. Proof of Non-profit Religious, Charitable, Social Service, or Similar Organization
  • Evidence: mission statement/statement of purpose, constitution, charter, by-laws, etc.
  • Skip this section if nothing has changed

Completing Form EOIR-31, cont’d

• Part 6. Federal Tax-exempt Status
  • Evidence: IRS tax determination letter OR alternative documentation of status
  • Skip this section if your tax-exempt status has not changed
Completing Form EOIR-31, cont’d

- Part 7. Knowledge of Immigration Law and Procedures
- Evidence: organizational chart, technical legal support arrangement, attorney resumes, staff accreditation approval letters

Technical Legal Support

- Only for those who do not have attorney on staff
- Include a letter from attorney or fully accredited representative stating:
  - Background and qualifications in immigration law
  - Knowledge of agency/staff
  - Will answer immigration law and procedure questions for agency
  - If any fees charged for this support
  - Good to recommend agency/staff as well
- CLINIC provides TLS for affiliates. More information: https://cliniclegal.org/affiliates/subscription

Completing Form EOIR-31, cont’d

- Part 8. List of Print and Electronic Resources
- Evidence: list of law library materials
Completing Form EOIR-31, cont’d

• Part 9. Provides Services Primarily to Low-Income and Indigent Clients
  • Evidence: budget for current and past year, fee schedules for all locations, list of membership dues, fee waiver/reduction policy

Completing Form EOIR-31, cont’d

• Part 10. Renewal of Recognition
  • Evidence: supporting documentation for any information in the previous sections that has changed, annual summary of legal services for each year from January 2017 to renewal date

Completing Form EOIR-31, cont’d

• Part 11. Declaration of Authorized Officer
• Part 12. Proof of Service on USCIS District Director(s)
Key Supporting Documentation for Recognition Renewal

• Organizational chart
• Approval letters for currently accredited staff
• Resumes for staff attorneys (if applicable)
• Technical legal support letter (if applicable)
• List of law library materials
• Budget for current year and previous year
• Annual summary for 2017, 2018, and 2019
• Fee schedules used for 2017-2019
• Fee waiver/reduction policies used for 2017-2019
• Other documentation as needed

Application Process

• OLAP reviews application and may request additional information
• USCIS has 30 days to respond
• OLAP sends letter with decision in writing (separate decisions for R&A)

Tips

• Include all supporting documentation in the initial application
• Don’t include unnecessary information
• Make sure information is consistent
• Respond to any OLAP requests promptly, in writing (avoid phone)
• Seek help from FSC before applying, if you’re an affiliate
What do I need to do now?

- Check your agency information on the R&A roster and make sure it is up to date: https://www.justice.gov/eoir/recognition-accreditation-roster-reports
- Confirm when you need to renew agency recognition
- Decide who will be your authorized officer
- Review new EOIR-31
- Ensure you have compiled your annual summaries for 2017 and 2018, and have a good system in place to collect information required

Resources


Tell us What you Think!

How to Renew DOJ Recognition

Questions?