



CATHOLIC LEGAL IMMIGRATION NETWORK, INC.

**How to Renew
DOJ Conditional Recognition
February 5, 2020**

Meet Your Presenters

Luis Guerra
Strategic Capacity Officer
CLINIC



Laura Burdick
Field Support Coordinator
CLINIC



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 were required to 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

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>
- 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)
– <https://www.uscis.gov/about-us/find-uscis-office>

Key Supporting Documentation for Recognition Renewal

- Updated organizational chart
- Approval letters for currently accredited staff
- Resumes for staff attorneys (if applicable)
- Technical legal support letter (if applicable)
- Updated list of law library materials
- Budget for current year and previous year
- Annual summaries from date of initial recognition to present
- Fee schedules used from date of initial recognition to present
- Fee waiver/reduction policies used from date of initial recognition to present
- 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
- Confirm who is your authorized officer
- Review EOIR-31
- Ensure you have compiled your annual summaries, and have a good system in place to collect information required
- Ensure that you have compiled your fee schedules and fee waiver/reduction policies

Resources

- R&A Toolkit and Step-by-Step Guide, <https://cliniclegal.org/R&A>
- New: Brief webinar on how to complete EOIR-31, <https://cliniclegal.org/resources/recognition-renewal>
- EOIR R&A Website and FAQs, <http://www.justice.gov/eoir/recognition-and-accreditation-program>

Tell us What you Think!

How to Renew DOJ Conditional Recognition

<https://www.surveymzmo.com/s3/5425072/Renewing-Conditional-DOJ-Recognition>

Questions?



Catholic Legal Immigration Network, Inc.

National Office
8757 Georgia Avenue, Suite 850
Silver Spring, MD 20910
Main Phone: (301) 565-4800
Main Fax: (301) 565-4824

cliniclegal.org
fb.com/cliniclegal
