



Submitted via e-mail: info@acus.gov

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RE: ACUS project: Nonlawyer Assistance and Representation, Request for Comments

Dear Mr. Graboyes and Mr. Gluth:

The Catholic Legal Immigration Network, Inc., or CLINIC,¹ submits these comments regarding representation and other forms of assistance provided by nonlawyers in federal agency adjudication.² On July 8, 2024, the Federal Register released The Administrative Conference of the United States (ACUS) request for comment seeking input from stakeholders providing nonlawyer representation to recommend best practices for agencies to use. Although various forms of federal nonlawyer assistance and representation exist, our response to the questions will address the experiences, challenges, insights, and recommendations of accredited representatives in the Department of Justice (DOJ) Recognition and Accreditation (R&A) program.

The main purpose of the R&A program is to increase access to representation before immigration agencies for low-income and indigent noncitizens. The program is an important component in the field of legal services for various stakeholders, where millions of immigrants depend on it for a just and equitable outcome in their legal journey. Non-detained individuals who have access to representation in their immigration case are five times more likely to pursue a form of relief from deportation, and nearly five times more likely to successfully prove their eligibility for relief; and in a detention setting, they are twice as likely to achieve relief.³

Embracing the Gospel value of welcoming the stranger, CLINIC promotes the dignity and protects the rights of immigrants in partnership with a dedicated network of immigration legal services and

¹ Pedro Alemán-Perfecto, Policy Advocate; Jessica Hernandez, Senior Field Engagement Strategist and Nina McDermott, TTA Senior Attorney authored this comment. Special thanks to Helen Chen, TTA Senior Attorney; Luis Guerra, Director of Field Engagement, and our surveyed affiliates for their contribution.

² *Nonlawyer Assistance and Representation Request for Comments*, ACUS, FR (July, 8, 2024).

³ National Immigrant Justice Center, “Issues: Access To Counsel,” available at: <https://immigrantjustice.org/issues/access-counsel>

programs. At its founding in 1988, CLINIC’s network originally comprised of 17 programs; it has now increased to more than 430 diocesan and community-based programs in 49 states and the District of Columbia. For decades, CLINIC has provided training and technical assistance to our respective network agencies on how to build capacity to respond to the demand for immigration legal services for low-income and indigent clients. It is based on this depth of experience and expertise in R&A that we provide the following feedback to ACUS’ questions on nonlawyer assistance and representation.

Experiences Navigating Administrative Adjudication

1. The Right to Legal Access:

Immigration law is governed by a complex collection of laws, regulations and procedures. The complexities are compounded by the fact that errors in submitting the incorrect information, failure to pursue all available forms of relief or missing a deadline can lead to devastating consequences that can affect family unity, loss of income and even returning someone to a country where they could be tortured or killed.

Unfortunately, the need for legal counsel far exceeds the capacity of immigration attorneys, especially in rural areas, often referred to as “immigration legal deserts.”⁴ As Stacy Preston, an accredited representative with All Saints Immigration Services in Jackson, Tennessee shares:

“I would say almost 100% of our clients would not have been able to navigate this process without a legal representative. Serving low-income clients, there are many barriers to access legal representation including income level, education level, language barrier, and the lack of understanding their own legal situation. Specifically, over half of our cases are humanitarian immigration cases that would never have had an opportunity submit an immigration petition without an Accredited Representative.”

The DOJ R&A program provides non-citizens the opportunity to reach a fair result in their case by expanding access to trained, competent, and affordable legal representatives. The program is an important component in the field of legal services, where millions of non-citizens depend on it for a just and equitable outcome in their legal journey.

2. The Relationship between Noncitizens and Nonlawyers:

As stated above, non-citizens have a much greater chance of success with their immigration cases if they can secure representation. Unfortunately, unless immigration legal service providers have direct ties or trust in a community, it is often difficult to connect non-citizens with attorneys and legal representatives.

When non-citizens are not connected with proper resources, they become a target of *notario* fraud, or other individuals claiming they are authorized to practice immigration law. Non-citizens are promised fraudulent or non-existent immigration benefits before the perpetrator collects the fees

⁴ Syracuse University’s Transactional Records Access Clearinghouse (TRAC) published a new on January 24, 2023 which showed that the number of individuals who were represented in immigration court dropped from 65% to 30% over a 5-year period. Available at: <https://trac.syr.edu/reports/736/>.

and disappears. In other cases, the individual committing fraud might file erroneous applications with immigration agencies, which can have negative and/or severe consequences for the intending non-citizen. Laura Moreno, an accredited representative with Pomona Economic Opportunity Center, Inc in Pomona, CA illustrates this issue:

“Many community members have fallen victim to notary or “immigration consultant” fraud and many times, we are the only ones they can trust. As a recognized org, we also charge less than an attorney. In our program, we also partner with other organizations and attorneys in ensuring that potential clients have access to 2nd opinions, or to refer to another place in case we cannot take a case. Many times, for our undocumented community with no immigration relief, our general consultations have helped them avoid being defrauded thousands of dollars for something they probably did not qualify for.”

Providing opportunities in communities for members of racial and ethnic minority groups who possess the cultural agility to communicate in their native language to work as accredited representatives allows for sorely needed legal expertise to reach remote locations and combat fraud. CLINIC offers numerous resources on combatting fraud and best practices for practitioners and individuals seeking representation.⁵ This is crucial for many clients at Catholic Charities of Santa Clara County, including the client of accredited representative Robert Yabes, who conveyed:

“You took the time to listen to my story and thoroughly review my case. You explained the legal options available to me in a way that was clear and easy to understand, which was a relief after struggling with legal terminology on my own.”

The R&A program ensures that accredited representatives offer quality legal advice and increases the availability of legal services for low-income non-citizens and helps protect our communities from the unauthorized practice of law and immigration service fraud.

Perspectives From Representatives or Legal Assistance Providers

3. The Structure of the DOJ R&A Program

The DOJ R&A program sets specific requirements for individuals applying for accreditation or accreditation renewal. These requirements are designed to ensure that applicants adhere to high standards of integrity, accountability, and operational effectiveness. There are two types of accreditations: partial and full. A partially accredited representative may only practice immigration law before the Department of Homeland Security (DHS), whereas a fully accredited representative can represent individuals before both DHS and the Executive Office for Immigration Review (EOIR). Both types of accreditations are valid for three years and can be renewed. Below is a general overview of the key requirements under regulations 8 C.F.R. § 1292.12:

- Has the character and fitness to represent clients before EOIR, Board of Immigration Appeals (BIA), and/or DHS
- Is employed or is a volunteer of the recognized organization
- Is not an attorney as defined in 8 C.F.R. § 1001.1(f)

⁵ See CLINIC’s Webinar on Combatting Immigration Services Fraud. Available at: <https://www.cliniclegal.org/training/archive/combattling-immigration-services-fraud>

- Has not resigned while disciplinary investigation or proceedings is pending and is not subject to any disbaring, suspending, enjoining, restraining, or otherwise restricting individual in the practice of law or representation before a court or any administrative agency
- Has not be found guilty of, or pleaded guilty or nolo contendere to a serious crime as defined in 8 C.F.R. § 1003.102(h) in or out of the US
- Possess broad knowledge and adequate experience in immigration law and procedure. If full accreditation is being sought, it must be established that the applicant also possesses skills essential for effective litigation.
- When applying for renewal of accreditation, an applicant must establish that they remain eligible under 8 C.F.R. § 1292.12 and has continued their education and training in immigration law and procedure that align with the services their organization provides.

These requirements ensure that accredited representatives operate with high levels of professionalism and accountability, contributing to the broader goals of justice and public safety.

Training & Mentorship Programs

CLINIC offers a variety of training and mentorship programs designed to equip legal practitioners, advocates, and community organizations with the knowledge and skills needed to effectively support immigrants and their families. These programs are aimed at enhancing the skills and knowledge of participants, ensuring that they can provide high-quality legal assistance to the immigrant community. CLINIC offers introductory courses that cover the basics of U.S. immigration law, including the structure of the immigration system, family-based immigration, and removal defense. For experienced practitioners, we provide advanced training on complex issues such as asylum law, waivers of inadmissibility, and the intersection of criminal law and immigration. These sessions also specifically analyze areas of immigration law and provide practical strategies for case management.

Additionally, CLINIC offers specialized training for nonprofit organizations seeking DOJ recognition and accreditation. The training covers the application process, the requirements for accreditation, and the ethical and professional responsibilities of accredited representatives in immigration law.

Furthermore, the importance of maintaining high professional standards for practitioners is stressed and highlighted in our mentorship program. CLINIC's mentorship program provides support to individuals who are new to immigration law, especially those who have recently received DOJ accreditation. Mentors offer guidance on case preparation, client interviews, and how to navigate the complexities of immigration law. This practical advice helps mentees build confidence and competence in their legal practice.

Finally, CLINIC's Partial to Full Initiative is designed to help partially accredited representatives navigate the DOJ R&A program to apply for full accreditation as it allows accredited representatives to represent clients in both DHS and the immigration courts. The initiative provides training, resources, and support to help representatives meet the requirements for full accreditation, thereby expanding access to legal representation for immigrants.

Training & Mentorship Programs in Action:

Several CLINIC staff members are, or have been, accredited by the Department of Justice, including Jessica Hernandez, who served as an accredited representative for over 10 years at a Texas nonprofit. When applying, Jessica completed a course on immigration law and procedure, along with training on complex immigration issues and policy, equipping her with the knowledge needed to effectively serve her community. She shadowed both attorneys and accredited representatives during case openings and consultations and prepared cases for submission under the supervision of a fully accredited representative. With her accreditation granted in 2014, she represented clients before U.S. Citizenship and Immigration Services (USCIS). After five years as a partially accredited representative, Jessica decided to pursue full accreditation. She prepared by finding a mentor attorney, attended court hearings, and deepened her knowledge of immigration law and removal defense. Jessica also enrolled in CLINIC’s Partial to Full Accreditation Initiative, where she developed court and practical skills. In 2019, she successfully obtained full accreditation, allowing her to represent clients before both USCIS and EOIR. After receiving full accreditation, Jessica continued her professional development by completing training sessions from national networks like CLINIC, the Immigrant Legal Resource Center (ILRC), and the International Rescue Committee (IRC), as well as in-house trainings. In 2022, she applied for the renewal of her full accreditation and successfully received approval in 2023.

4. The DOJ R&A Certification Process

The DOJ R&A program has functioned for over 6 decades to provide certification to talented and experienced nonlawyers with the opportunity to represent non-citizens in their communities. To provide recognition and accreditation to more than 870 organizations and roughly 2,500 individuals,⁶ OLAP oversees the program which, up until 2019, was under the Office of the EOIR Director. The move to the EOIR Office of Policy exposed the lack of resources OLAP functions on to oversee the certification process for the DOJ R&A program. The EOIR Office of Policy is not the appropriate office to address the adjudications of nonlawyer representation, as it is subjected to the political will of an incumbent administration, where EOIR can implement massive changes by reducing OLAP’s budget, staffing levels, training opportunities, and the number of public engagements.⁷ In fact, this change in oversight and certification process has been noted by the National Association of Immigration Judges (NAIJ):“ ‘substitute the policy directives of a single political appointee [the EOIR Director] over the legal analysis of non-political, independent adjudicators.’”⁸ These changes in policy in 2019—coupled with the recent COVID-19 pandemic—caused OLAP, and in turn, the R&A program, to be severely underfunded and understaffed which allowed for discrepancies in adjudicating R&A applications.⁹ In 2021, OLAP had one adjudicating

⁶ See Recognized Organizations and Accredited Representatives Roster, June 2024, Department of Justice

⁷ CLINIC’s comments in response to the Department of Justice’s 2019 Interim Rule: “Organization of the Executive Office for Immigration Review,” EOIR Docket No. 18–0502; RIN 1125–AA85 (Oct. 17, 2019), available at: <https://www.cliniclegal.org/sites/default/files/2019-12/clinic-comment-to-eoir-interim-rule-17-OCT-2019.pdf>

⁸ *Ibid*

⁹ Sullivan, K. CLINIC Policy Brief: “*The Severely Under-Resourced R&A Program is an Essential Tool to Meet Growing Needs for Affordable Immigration Legal Services.*” September 2021. Available at: <https://www.cliniclegal.org/resources/federal-administrative-advocacy/policy-brief-severely-under-resourced-ra-program>

attorney and two legal assistants adjudicating a mountainous backlog of 697 pending accreditation applications.¹⁰

One of CLINIC's current staff members was affected by the previous backlog. In 2020 as he was applying for full accreditation at a San Diego, California, non-profit, it took him nearly 11 months to receive his full accreditation. After submitting the initial application in late January 2020, before the onset of the COVID-19 pandemic, he received a request for additional information (RFE) on or about September 2020. This inquiry asked for evidence of immigration training, which was already submitted with the application, and after providing the information again, the application was eventually approved in mid-December 2020. The lack of resources and staffing level at EOIR prevented the R&A application from timely adjudication, as the agency found that they needed to request updated training information due to the length of their own backlog.

Since the end of the last decade, CLINIC has written more than a dozen letters and public comments to DOJ regarding R&A backlogs and agency transparency which highlight the oversight process and the lack of resources that hinder the R&A program's growth. Unfortunately, the Department still struggles to maintain reasonable processing times and transparency.

5. Treatment of Nonlawyer Representation

Accredited representatives play a key role across the country to provide critical legal services for noncitizens and their communities. In the span of a decade, accredited representatives provided representation in 7,999 removal cases where DHS filed an NTA.¹¹ During the same period, 51% of the 6,315 decisions issued by the immigration courts in cases that were represented by accredited representatives resulted in a termination order or a grant of relief.¹²

However, even with this record of success, accredited representatives can sometimes be treated unjustly by stakeholders. This treatment can be seen in detention centers by ICE personnel, detention staff denying accredited representatives access to their client, to USCIS officers not relaying proper information. Additionally, private attorneys, including private law firms, sometimes view the R&A program and accredited representatives negatively, creating a division in the field.¹³

For instance, one of CLINIC's staff members who worked as a fully accredited representative in San Diego, California, had, on multiple occasions, issues accessing clients and potential clients at the Otay Mesa Detention Center. On multiple occasions, the accredited representative was denied access and treated disrespectfully at the front desk by detention staff presuming he did not possess

¹⁰ *Ibid*

¹¹ CLINIC: "Key Takeaways from Freedom of Information Act Request on Office of Legal Access Program (OLAP) and the Recognition and Accreditation Program." March 2021. Available at: <https://www.cliniclegal.org/resources/freedom-information-act/foia-disclosures-eoir-recognition-and-accreditation-ra-program>

¹² *Ibid*

¹³ Benjamin, Brittany. "Accredited Representatives and the Non-citizen Access to Justice Crisis: *Informational Interviews with Californian Recognized Organizations to Better Understand the Work and Role of Non-lawyer Accredited Representatives.*" (2018). Stanford Law & Policy Review, Vol. 30:263. Available at: https://law.stanford.edu/wp-content/uploads/2019/05/30.1_5-Benjamin_263-306.pdf

the credentials to enter the building or see the client, confusing him with a paralegal or translator. The accredited representative had to educate the staff about administrative adjudications, R&A regulations, and always sought supervisors to explain the situation. When the accredited representative presented his letter of approval from the DOJ, detention center staff would not accept the document and demand other forms of identification or were unaware of what the R&A program was. This treatment by the staff was only remedied when the accredited representative presented a 2-page letter by his supervisor, a licensed attorney. The letter described the qualifications of the representative, the federal regulations allowing him to practice in administrative proceedings, and access to justice issues.

Furthermore, the letter was also used at the San Ysidro Port of Entry when the accredited representative had to prove to Customs and Border Patrol (CBP) officials that he was an accredited representative after showing his DOJ certification letter. These examples demonstrate the misunderstanding of the R&A program and the need for proper training on non-lawyer representation. Simple reminders and training for staff at detention centers, ports of entry, and immigration courts would increase counsel and client preparation. Consistent communication between agencies, such as DOJ and DHS, could also remedy this treatment and improve access to representation and agency rules.

In addition to difficulties in accessing their clients, accredited representatives face additional dismissive treatment from attorneys. Peter Alexander Farago, a fully accredited representative with Sacred Heart Center in Virginia shared that it is difficult to explain to clients and attorneys that a non-attorney can practice immigration law and suggests that there should be a different approach to providing certification or credentials. Ricardo Nuñez, an accredited representative with United Farmworkers Foundation in California stated:

“The job does not usually pay well, certainly less than attorneys even if in certain situations the expertise is very similar. DOJ reps do not get the recognition that immigration lawyers do and are generally considered less than. While lawyers choose law as their professions, DOJ reps might be passionate about immigrant rights... [and] are usually multicultural, immigrants, or children of immigrants and bring a level of empathy that others cannot”

In response to ACUS’ question about government representation: in EOIR proceedings, the government is rarely absent, and the immigration judge will proceed with the immigration hearing if the DHS attorney is not present. Pro se detained non-citizens are the most vulnerable and when they do not have access to counsel, including not permitting accredited representatives into DHS facilities, it prevents their case from not rightfully being heard and adjudicated.

6. Lawyer Interactions and Experiences

The DOJ R&A Program was designed to increase the availability of affordable immigration legal services for low-income individuals. Accredited representatives can be volunteers or employees of the organization. Since a law degree is not required, DOJ accreditation creates more opportunities for individuals to practice immigration law and serve their community. As such, accredited representatives greatly increase program capacity, create opportunities for growth and staff retention and contribute to both socioeconomic and racial equity within an agency.

Stories from the Field

Throughout CLINIC's network of affiliates, there are countless attorneys who rely on accredited representatives to provide high quality immigration legal services. Ann Naffier, Managing Attorney and Co-Legal Director at Iowa Migrant Movement for Justice, the state's largest immigration legal services non-profit organization, commented on their five DOJ Partially Accredited Representatives:

"I find Accredited Representatives to be reliable, responsible, knowledgeable, and able to give the highest quality of immigration legal services to their clients [and] because of the high volume of cases Accredited Representatives see, and because of their rigorous training requirements, as well as the very helpful technical support and training resources offered by organizations like CLINIC and ILRC (Immigrant Legal Resource Center), many Accredited Representatives are more expert in their areas than typical attorneys who practice a wider range of immigration law but with fewer clients."

Similar sentiments were communicated by Stacey Jones, Program Director at Hogar Immigrant Services (previously Hogar Hispano) in Catholic Charities of the Diocese of Arlington:

"The accredited representatives on our staff receive the same training and supervision as our attorneys so we know they are providing the same high quality of service to their clients as our attorneys do. They are active and full members of our organization's team."

Hogar Immigrant Services has been a DOJ (formerly BIA) recognized organization since 2004 and for the past 20 years the agency has had at least 15 DOJ accredited representatives either on staff or long-term volunteers. In their experience, nonlawyer representatives are helpful in expanding legal representation to a greater number of low-income clients. Since there is often a shortage of attorneys willing to take open positions, expanding candidate search to include qualified nonlawyers interested in pursuing DOJ accreditation enabled them to fill those positions.

Examples of essential nonlawyer representatives can be seen throughout the country. Such is the case in Louisville, Kentucky, a city with a large and growing immigrant and refugee population. Accredited representatives at Catholic Charities of Louisville, and similar recognized organizations, responsibly and professionally keep abreast of changes in immigration law, regulation, and policy. In fact, some of the nonlawyer representatives have become experts in particular areas of immigration law and their opinions are sought by the private bar. Rebecca A. Sim, Esq., Director of Immigration Legal Services at Catholic Charities of Louisville shares:

"I respect my nonlawyer representative colleagues the same way I respect my colleagues who are lawyers, and in some ways even more so because they have not had the benefit of a formal legal education."

While there are private immigration attorneys and attorneys working in the immigration sector, the need for affordable, quality legal representation far outweighs the capacity of the local bar. Therefore, nonlawyer representatives play a crucial role in providing immigration legal services to the immigrants and refugees in the area.

7. Rules, Procedures, & Improvements

While current and prospective accredited representatives excel in their training and their practice, the process of becoming accredited has become more complex and burdensome in recent years. The issues that have arisen in the R&A program include the frequent changes to the rules and procedures within EOIR and the lack of transparency. Proper communication between the agency and its stakeholders is an essential tool for building a foundation of designing and implementing policies that will benefit nonlawyer representatives, organizations, and the immigrant community. However, the program establishes policy changes through the R&A Frequently Asked Questions (FAQs) page on the EOIR website, often without a previous notice and comment process.¹⁴

This places accredited representatives in an unfavorable position, as many are unaware of potential changes to the FAQ website which might impact their application process and their client's representation. Laura Moreno in California expressed:

“One of the main issues in becoming an accredited rep, is not finding all the information on the DOJ R&A website on how and what DHS accounts we should create per representative. Many times, we learn along the way, instead of just being able to access a list (i.e. USCIS account, secure account for FOIAs, EOIR, etc.)”

Furthermore, the OLAP changes through the FAQs are so significant that some are even contrary to the R&A rules and regulations.¹⁵ When EOIR occasionally requests feedback informally, at times, the feedback is not taken into consideration when the agency makes changes to the program. Additionally, there are no clear and concise rules for professional conduct and sanctions for DOJ accredited representatives. Currently the only process set for ethical sanctions is a disciplinary proceeding when DHS or EOIR issues a Notice of Intent to Discipline (NID) to an accredited representative.¹⁶ However, there is no clear language referring to the exact confidentiality of the accredited representative in question or the client(s). When an ethical inquiry or complaint against an accredited representative arises, the DHS disciplinary counsel, who is one of two parties that can serve a NID, may decline to permit a practitioner's waiver of confidentiality. Having language that is comprehensive and succinct would give accredited representatives clarity on the rules of representation.

Landscape of Relevant Agency Programs

8. The R&A Program Meeting Demand

The need for low-cost legal assistance is extremely high, as there are over 2.6 million individuals in removal proceedings in U.S. immigration courts as of August 2024. This figure reflects a significant backlog, with many cases waiting for years due to the high volume of entries into the court system and limited resources for processing cases. This backlog has created challenges for the government, including delays in adjudicating R&A application for nonlawyer representation

¹⁴ See Recognition and Accreditation Program Frequently Asked Questions, EOIR, available at: <https://icor.eoir.justice.gov/en/faq/>

¹⁵ Sullivan, K. CLINIC Policy Brief: “*The Severely Under-Resourced R&A Program is an Essential Tool to Meet Growing Needs for Affordable Immigration Legal Services.*”

¹⁶ See 8 C.F.R. § 1003.101

providing timely resolutions for immigration cases.¹⁷ Natalie Foote, a fully accredited representative with Restoration Immigration Legal Aid in Arlington, Virginia, stated the impact of the program:

“Our organization depends on this program to represent hundreds of vulnerable immigrants in our communities who are eligible for relief. This program allows for competent, passionate and dedicated individuals to provide critical immigration services to those in our communities who are most in need. Our accredited representatives of course could attend law school, become attorneys, and do this same work-- but that would take several years and potentially tens of thousands of dollars. This program is extremely cost-effective and valuable by providing non-attorneys the opportunity to be legal professionals in the service of justice and protection for our community's most vulnerable immigrant individuals and families.”

Additionally, Julissa Pena, an accredited representative and executive director of Santa Barbara County Immigrant Legal Defense Center shared:

“It has been an incredible opportunity to put into practice the knowledge I have to help some of my community's most vulnerable members. Being an accredited representative is my favorite part of my executive director position.”

R&A Applications Backlogs

In the last several months, organizations seeking new agency recognition and Recognized Organizations adding new accredited representatives are experiencing a disrupting increase in the adjudication times for Forms EOIR-31 and EOIR-31A. Currently, initial recognition and accreditation applications are often taking five months to be adjudicated and others are receiving requests for additional evidence after their application has been pending for more than six months, further prolonging adjudication and hindering the program’s optimal purpose.

For example, CLINIC is aware of at least two instances where an affiliate inquired about the status of an initial recognition and accreditation application after the application had been pending for approximately five months. In both instances, they received a request for evidence the next day. One affiliate received two separate requests that day and a third request a few days later. In both cases, none of the information being requested was required by the regulations, requested in OLAP’s FAQs, or included in EOIR-31 form instructions. While the applicants responded as quickly as possible, one application was eventually approved after six months, and the other is still pending with OLAP.

Slow or prolonged processes can have serious implications.¹⁸ For example, without accredited representatives, organizations might be unable to fulfill deliverables under their contracts or grants. Others may have to cancel their programs, refuse services to immigrants seeking representation or

¹⁷ Congressional Research Service. *U.S. Immigration Court Backlog and the Executive Office for Immigration Review*. 7 Aug. 2024, <https://crsreports.congress.gov/product/pdf/R/R47077>

¹⁸ Lieberman, R. Villanova University’s Background Reduction Plan Congressional Letter. 2022. (On file with author).

be forced to let go of qualified candidates.¹⁹ There is also community demand for nonlawyer representation, as Kate Hinnenkamp, an accredited representative with Community Action Board of Santa Cruz County, Inc., noted:

“A faster turnaround on applications for accreditation would allow caseworkers to take on more complex work sooner, and better meet community need.”

These examples demonstrate the need for efficient and timely processing of applications. If the recent processing times are not adequately addressed, we know that affordable legal representation will become more scarce.

9. Expansion and Portability

A potential approach to expanding the DOJ R&A program to incorporate nonlawyer representation is portability as it could encourage more individuals to apply for accreditation. Portability would benefit the program by allowing non-attorney accredited representatives to move between recognized organizations without losing their accreditation in the transition or having to re-apply. This flexibility would help representatives to continue providing immigration legal services even if they change employers. It would also support organizations in retaining skilled representatives, ensuring continuity of service for vulnerable immigrant populations. Portability would streamline the process, reducing the need for reapplication when representatives transition between recognized organizations, which ultimately would enhance access to legal services.

10. CLINIC is not providing an answer to question 10.

11. Stakeholder Cooperation and Capacity Building

EOIR’s Office of Legal Access Programs (OLAP) encourages non-attorney representation through management of the DOJ R&A program. Additionally, through programs such as their Legal Orientation Program (LOP) and Immigration Court Help Desk non-profit organizations are funded by the federal government to provide legal information sessions and self-help workshops to those who are detained or in immigration court.²⁰ This allows recognized organizations and their attorneys and/or accredited representatives to connect with clients where they provide limited assistance. In some situations, the organization may have the capacity—city, state or private funding permitting—to provide representation, but additional representation is not currently funded by EOIR. Additionally, USCIS has initiatives, such as Afghan support centers, to assist identified populations with connecting to legal and other support services.²¹

Conclusion

The R&A program builds communities, creates jobs, and uplifts individuals. The need for affordable legal representation for immigrants to stay in legal status is at an all-time high and shows up at the U.S. southern border, U.S. interior, and in critical sectors of the economy. DOJ

¹⁹ *Ibid*

²⁰ See EOIR’s LOP program website: <https://www.justice.gov/eoir/legal-orientation-program>

²¹ See USCIS’ Afghan Support Center Initiative Website: <https://ilsaa.acf.hhs.gov/share/visit-an-afghan-support-center-near-you/>

recognized organizations and accredited representatives are at the forefront providing crucial legal and social services to millions of people. National organizations such as CLINIC are integral in providing technical assistance to nonprofit legal service providers collaborating directly with immigrant communities.

For the reasons listed above, CLINIC encourages ACUS to recommend best practices to DOJ, EOIR, and DOJ to enhance and expand the R&A program for nonlawyers. Thank you for your consideration of these comments. Please do not hesitate to contact **Karen Sullivan, Director of Advocacy**, at kusullivan@cliniclegal.org, with any questions or concerns about our submission.

Sincerely,

A handwritten signature in blue ink that reads "Anna Gallagher". The signature is written in a cursive, flowing style.

Anna Gallagher
Executive Director