




All About Department of Justice Recognition Renewal




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Meet the Presenters



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Agenda

- What are the basic requirements of DOJ Recognition Renewal?
- What are the details of each element of an application for renewal?
- What if there have been changes in an organization since the last approval of recognition?
- What are common mistakes to avoid?
- What happens after an organization submits an application for renewal?



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The Basics of Recognition Renewal

What are the basic requirements of DOJ Recognition Renewal?

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Important Terms

- **DOJ Recognition:** The authority given to an *organization* by the Department of Justice to utilize DOJ accredited representatives for immigration legal services.
- **Conditional Recognition:** Newly recognized organizations receive conditional recognition which lasts only for two years. Non-conditional recognition lasts for six years.
- **Annual Summaries:** A report of services describing an organization's yearly services and fee structure. OLAP collects these at the time of renewal.
- **Authorized Officer:** The main point of contact at an organization who communicates with OLAP regarding the organization's Department of Justice Recognition and Accreditation (DOJ R&A).

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Renewal Requirements according to 8 CFR 1292.16(c)(1)

The organization is eligible for recognition renewal IF:

1. The organization remains eligible under 8 CFR 1292.11(a).
2. The organization includes the records listed in 8 CFR 1292.14(b) regarding fee schedules and the summary of immigration legal services [annual summaries] *since the last approval of recognition.*
3. The organization describes any unreported changes *that impact eligibility for recognition* since the last date of approval.

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1) So what is eligibility under 8 CFR 1292.11(a)?

- These are the regulations that describe the basic eligibility requirements to get DOJ Recognition.
- Organizations met these requirements when they first applied for initial DOJ Recognition.
- Organizations need to show OLAP that they are still true.

The requirements:

- The organization must be a non-profit religious, charitable, social service, or similar organization;
- The organization must have federal tax-exempt status;
- The organization must provide immigration legal services primarily to low-income or indigent clients within the U.S.;
- The organization must have access to adequate knowledge, information, and experience in immigration law and procedure;
- The organization must maintain at least one accredited representative; and
- The organization must designate an authorized officer to act on its behalf.

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2) So, what are the records described in 8 CFR 1292.14(b)?

- This regulation tells an organization how to gather annual record keeping data [annual summaries].
- OLAP does not ask for annual records every year. Instead, they ask for *all of them* at one time, during renewal.

There are two types of records:

- Every fee schedule, used by each location, since the last approval of recognition. If your organization does not charge fees, this does not apply to you.
- Annual Summaries for every year since your last approval of Recognition. This is two years for conditional recognition and six years for non-conditional recognition.

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3) What does reporting changes mean?

- Changes should be reported to OLAP promptly.
 - "The Department believes that 30 days will generally constitute prompt notification." ([81 FR 92346](#))
- Changes are reported in one of two ways depending on the situation:
 - On form EOIR-31 (more on this later), or
 - Via email to OLAP.
- 8 CFR 1292.14(a) provides more information on reporting changes.



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Assembling the Recognition Renewal Application

What are the details of each required element of an application?

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Renewal applications should include:




- Cover letter (recommended)
- Form EOIR-31
- A list of law library / legal resources
- Budgets for current and prior year
- Organizational chart
- Resumes for attorneys and/or proof of external technical legal support
- Fee schedules for every version used since last approval of recognition
- An annual summary for every year since last approval of recognition
- Proof of federal tax-exempt status

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Cover Letter Tips


- Reference correct DOJ Recognition Renewal regulations - 8 CFR 1292.16. Do not reference former name, BIA Recognition.
- Keep it concise, clear, and simple.
- Clearly indicate all the organization's address(es) and mark them as "principal" or "extension" offices.
 - o Specify whether extension offices continue to provide immigration legal services. *(Recommended)*
- Highlight any changes
 - o Any changes/updates to extension offices that have yet to be reported to OLAP.
 - o Any updates to a particular section(s) of Part 3 and/or unreported updates in Part 5



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EOIR-31 Requirements




- Use the October 2022 version of the form.
- Verify that the organization's address(es) is correctly listed on the EOIR roster.
- Use the legal name of the organization.
- Check the box for "Renewal of Recognition". This will apply for the principal office and extension office(s), if applicable. If applying for a **new** extension office, with the recognition renewal application, check box "Extension of Recognition".
- Fill out Part 3 only if there are changes to report to the categories listed in section 3. If there are no changes, then skip section 3. (More on this later.)

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Budgets for Current and Prior Year

- ✓ Include the immigration budget only.
- ✓ Budgets should be balanced.
- ✓ Specify the timeframe of the budget by month and year. (ex: Feb. 2023 to Jan. 2024)
- ✓ Grants individually listed by name and amount.
- ✓ Make sure to include in-kind donations.
- ✓ Mark fee income for current year as "projected."




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Legal Resources Tips


- ✓ List print and digital resources.
- ✓ Print resources should state an edition *date*, and not just say "latest edition."
- ✓ Ideally, print resources are only 1-2 years old or less.
- ✓ Digital resources should include links to specific resources. Make sure the links work!
 - For example: ~~www.uscis.gov~~ → instead → <https://www.uscis.gov/laws-and-policy/legislation/immigration-and-nationality-act>
- ✓ INA and 8 CFR should be listed as resources.



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Organizational Chart Tips



- ✓ The chart should focus on the immigration program and show the chain of supervision for the immigration staff.
- ✓ Include staff information for principal site and any extension sites.
- ✓ Include names and job titles for staff and volunteers.
 - Denote if a staff member is "pending approval of accreditation."

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Resumes for Attorneys or Proof of Technical Legal Support

- ✓ The organization needs to demonstrate ongoing access to technical legal assistance by having:
 - Immigration staff attorney **OR**
 - Formal agreement with non-staff immigration practitioner through private attorneys, other recognized organizations, or other qualified sources.
- ✓ Include resumes for immigration staff attorney.
- ✓ Formal agreement should include information about the experience and breadth of immigration knowledge of the non-staff immigration practitioner(s) as well as any fees charged for the support. If the practitioner is a private attorney, attach their resume.



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Fee Schedules



- ✓ Include a fee schedule for every version used since the last approval of recognition.
- ✓ Mark the effective dates of the fee schedules.
- ✓ Fees must remain appropriate for an organization that serves low-income and indigent clients.
- ✓ If an organization does not charge fees, it is recommended to state that in the cover letter of your application.

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Annual Summaries

- ✓ Include a separate annual summary for each year since the last approval of recognition.
- ✓ Annual summaries are required for partial years as well.
- ✓ Make sure to indicate the timeframe for each annual summary.
- ✓ Required only at time of recognition renewal.
 - Track information regularly. Use case management software to assist with tracking information.
- ✓ Refer to **8 CFR 1292.14(b)(2)** for more information on the annual summary.

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What must be included in an annual summary according to 8 CFR 1292.14(b)(2)?

- The total number of clients served.
- The number of clients who received pro bono services.
- A description of the immigration legal services offered.
- A description of other immigration-related services (like outreach, education, etc.).
- A statement describing if services were pro bono or charged in accordance with a fee schedule.
- The organization's fee waiver or fee reduction policy.
- A list of offices where immigration services were provided.

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Annual Summaries Tips

"Total Number of Clients Served," which includes intakes, applications prepared and filed with either DHS, EOIR, or the BIA, and referrals made

- It's not necessary to separate out the cases filed from cases where only an intake was conducted or referral was made.
- Provide OLAP with one total number.

Do not include any A#s.


Be specific about services provided.

- "Our organization does outreach." → "This year our organization did Know Your Rights Presentations, Naturalization workshops, and Pro Se General Consultation Workshops as outreach to the community."

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Proof of Federal Tax-Exempt Status



- Currently valid IRS tax determination letter or alternative documentation of federal tax-exempt status.
- It is not necessary to submit proof of state non-profit status unless there has been a change in the organization (see section below on reporting changes).

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Reporting Changes

What if there has been changes in the organization since the last approval of recognition?
 What additional evidence is required for those changes?

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Changes might be reported in:

- Section 3 of EOIR-31, or
- Section 5 of EOIR-31

Depending on the change.

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What counts as a "change" that merits filling out Section 3 of the EOIR-31?

- Fill out section 3 to report a change regarding an answer to a question in section 3.
- Has the organization had any updates to the questions in section 3 since their last approval of recognition?
- Answer only the questions with changes.

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Examples of "changes" in Section 3

- Changes related to non-profit status**
 - Did the organization lose non-profit status?
- Organization type**
 - Is the organization still a religious, charitable, social service, or similar organization?
- Immigration legal services**
 - Consider organizations that did not offer legal services prior to holding DOJ Recognition, and now they offer services.
- Clients**
 - Must be primarily low-income and indigent
- Fees**
 - If an organization used to charge fees and now are free of charge (or vice versa)
- Tax-exempt status**
 - Tax-exempt status is now approved rather than pending.

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Reporting Changes in Section 5

Part 5. Renewal of Recognition

Attach the following documents:

- Fee Schedules** *Include any versions used since last recognition*
- Annual Summaries** *Include one for each calendar year since last recognition*
- Federal Tax-Exempt Status** *If your tax-exempt status is based on a larger entity's group ruling, provide evidence of current tax exempt status*

Has your organization experienced any changes since last being recognized that might affect your recognition eligibility? No Yes *Attach description and supporting documentation*

These **MUST** be answered, by **everyone**, for renewal. These are **NOT** related to reporting changes.

Used to notify OLAP of **UNREPORTED** changes.
 Changes ought to be reported to OLAP promptly according to 8 CFR 1292.14(a). 30 days is considered "prompt." (81 FR 92346)
 Changes can also be reported to OLAP prior to submission of application EOIR-31, by emailing: R-A-Info@usdoj.gov

This question is the **only** question in Part 5 for reporting changes.

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Report these changes to OLAP promptly:

Changing the organization's mailing address.	Changing the authorized officer.	Removing an extension site.
Changing the status of an Accredited Representative from employee to volunteer.	Losing an accredited representative.	Changing the name of the organization.
Changing from charging fees to not charging fees.	Structural changes to the organization	Etc. See 8 CFR 1292.14(a)

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Extensions

- Existing / Approved Extensions
 - Mention extensions and their addresses in the cover letter.
- New Extensions
 - Check the box for "Extensions" in Part 2 of the EOIR-31.
 - Fill out Section 7 of the EOIR-31
- Removing Extensions
 - Email OLAP and request removal

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Review of Common Pitfalls

What are common mistakes to avoid when renewing DOJ Recognition?

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Common mistakes to look out for:

- Cover Letter**
 - Too much detail.
 - Addresses are not clearly marked as extensions vs. principal office.
 - OLAP's address is incorrect on the cover letter.
- EOIR-31**
 - Provided addresses don't match the EOIR Roster.
 - Part 3 is either filled and shouldn't be, or is not filled out and should be.
- Budgets**
 - Budgets are not balanced.
 - Missing information about extension sites.
- List of Legal Resources**
 - Links to virtual resources are general instead of specific.

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Common mistakes to look out for:

Organizational Charts

- Information about extension sites is missing.
- Job titles are missing.

Proof of Attorneys on Staff or Technical Assistance

- Attorney resumes don't focus on immigration experience.

Fee Schedules

- Fee schedules are missing for one or several years since last approval of recognition.

Annual Summaries

- Information is overly detailed and provides more than OLAP asks for.

Proof of Federal Tax-Exempt Status

- Too much information is provided (ie. Copies of taxes or other lengthy documents are not needed).

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Next Steps After Filing

What happens after you submit your renewal application?

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Important Timelines

Filing

- Applications for recognition renewal must be filed before the date of expiration to avoid lapse in recognition. Check the [EOIR Roster](#).
- File via **email** with [USCIS district office\(s\)](#) and OLAP:
 - Organizations might have to file at more than one USCIS district office depending on the locations of extension sites.

Processing

- Historically, average processing times are anywhere from one to six months.
- USCIS will make a recommendation to OLAP within 30 days.
 - If USCIS recommends against approval, organizations have 30 days to submit a rebuttal.
- OLAP will request more information if needed.

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Important Timelines

Renewals

- 2 years: Conditional renewal (1st renewal only)
- 6 years: Subsequent renewals
- Maintain annual records (fee schedules & annual summaries)

Denials

- 30 days to make one request for reconsideration.
- If reconsideration is denied, the organization has 10 days to request administrative review based on factual or legal errors.
- After final denial, organizations can resubmit a new application for recognition at any time.

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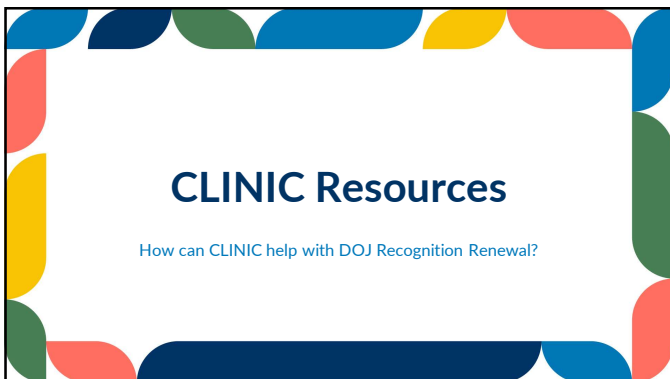
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Losing All Accredited Representatives

What happens?	What is inactive status?	Is renewal needed on inactive status?
<ul style="list-style-type: none"> Organization is placed on inactive status according to 8 CFR 1292.16(i). Your organization is responsible for making OLAP aware that you have lost all reps. Cease offering legal services unless there is an attorney on staff. Find a new accredited representative. 	<ul style="list-style-type: none"> Lasts for 2 years Provides an organization time to obtain accreditation for a staff member or volunteer. If a new accredited representative is not acquired, the organization will lose recognition, unless OLAP grants an extension. 	<ul style="list-style-type: none"> Yes! If an organization's renewal date occurs during a period of inactive status, the organization MUST renew their DOJ recognition, so they do not lose their recognition.

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CLINIC Resources

How can CLINIC help with DOJ Recognition Renewal?

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CLINIC Resources on DOJ R&A

- DOJ R&A Toolkit: <https://www.cliniclegal.org/toolkits/recognition-accreditation>
 - Go to "Application Support Materials" to see checklists and samples.
 - Go to "General Information" to watch recorded webinars on DOJ R&A.
- CLINIC Affiliation: <https://www.cliniclegal.org/find-legal-help/affiliates>



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tinyurl.com/RecognitionRenewal2024




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