



FAQs: The Basics of DOJ Recognition and Accreditation

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What is Department of Justice Recognition and Accreditation (DOJ R&A)?

U.S. Federal Regulations govern the Recognition and Accreditation program under the Department of Justice (8 CFR 1292.11 – 1292.20). The program allows non-attorneys to practice immigration law through nonprofit agencies. Nonprofit agencies who want to utilize accredited representatives must apply for and receive *DOJ recognition*. An individual that is approved to practice law under this program is called an *accredited representative*.

What are the basic requirements of recognition?

To be approved for DOJ recognition, an organization must demonstrate that they:

- Are a non-profit religious, charitable, social service, or similar organization.
- Have federal tax-exempt status.
- Provide immigration legal services primarily to low- income or indigent clients within the United States.
- Have access to adequate knowledge, information, and experience in immigration law and procedure.
- Are simultaneously applying for at least one employee or volunteer to be accredited, and must maintain at least one accredited representative on staff.
- Have designated an authorized officer to act on its behalf.

Does an agency need an attorney to qualify for recognition?

Nonprofits are not required to have attorneys on staff to apply for recognition. However, they are required to demonstrate that accredited representatives have access to technical legal assistance if they need consultation in immigration law or have immigration case questions. Organizations without an attorney on staff will need to have an agreement or proof of formal arrangement for legal technical assistance through external source(s) such as a private attorney, another recognized organization, or other qualified sources. To meet this requirement, CLINIC can provide a Technical Legal Assistance Letter which

demonstrates that, with the assistance of CLINIC, the organization and its accredited representatives have access to legal technical assistance. Only CLINIC Affiliates are eligible for a Technical Legal Support Letter from CLINIC.

What is an authorized officer?

An authorized officer is an individual who has been designated by a DOJ-recognized organization to speak and act on behalf of the organization. The authorized officer is often a program manager or director, but it is not a requirement for the authorized officer to be in a managerial position. The authorized officer does not have to be an attorney nor an accredited representative. However, the authorized officer should be familiar with the organization's immigration services and serve as the point of contact for EOIR on all recognition and accreditation matters.

What are the basic requirements of accreditation?

To be eligible for accreditation, an individual must:

- Be an employee or volunteer of the recognized organization or one that is applying for recognition.
- Have the character and fitness to represent clients.
- Have broad knowledge and adequate experience in immigration law and procedure.
- Not be an attorney who is eligible to practice law in the United States or a U.S. territory, commonwealth, or possession.
- Not have resigned while a disciplinary investigation or proceeding is pending.
- Not be subject to any order disbaring, suspending, enjoining, restraining, or otherwise restricting him/her in the practice of law or representation before a court or any administrative agency.
- Not have been convicted of a serious crime anywhere in the world.

Knowledge and competency of immigration law is demonstrated through taking several substantive immigration law courses, including at least one formal training course designed to give new practitioners a solid overview of the fundamentals of immigration law, practice, and procedure.

How much immigration law does someone need to know to meet the standard of “broad knowledge and adequate experience”?

DOJ-accredited representatives need to have immigration law experience that enables them to spot immigration issues and remedies, including services that may not be provided by their agency. For example, even if their agency does not represent asylum applicants, the DOJ wants to know that the accredited representative has enough knowledge of immigration law to recognize when this remedy may apply to someone they counsel.

CLINIC recommends taking 5-6 immigration law courses on different topics, in addition to the one formal overview of the fundamentals of immigration law, practice, and procedure course.

How does CLINIC help with training?

CLINIC provides training on various areas of immigration law throughout the year to satisfy the DOJ accreditation training requirements. CLINIC's most utilized formal course on the fundamentals of immigration law, practice, and procedure is called the Comprehensive Overview of Immigration Law (COIL) and is offered several times a year. More information about training options can be found at cliniclegal.org/training.

What are the benefits of having accredited representatives in an organization?

The 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 a requirement, DOJ accreditation creates more opportunities for individuals to practice immigration law. As such, accredited representatives greatly increase program capacity.

What are the benefits of accredited representatives to the community?

The need for affordable, high-quality immigration legal services is high and continues to rise. Immigration services fraud is common in the United States, and the R&A program ensures that accredited representatives offer quality legal advice. The R&A program increases the availability of legal services for low-income immigrants and helps protect our communities from the unauthorized practice of law and notario fraud. It also strengthens and increases the professionalism of programs and their staff.

Is immigration services fraud an issue in the United States, and what is notario fraud?

Yes. Many Latin American countries refer to legal practitioners as “notarios publicos,” which translates to “notary public.” Scammers abuse this language barrier by using the title of “notary public” to claim they are authorized to practice law, when, really, they are not. Typically, they scam immigrants by promising fraudulent or non-existent immigration benefits, collecting legal fees, and then disappearing. In other cases, they might file erroneous applications with immigration, which can have negative consequences for the intending immigrant. This is known as “notario fraud,” and it is common in the United States. To learn more about immigration services fraud, please refer to our [website](#).

What are the legal capabilities of an accredited representative?

DOJ-accredited representatives are authorized to do the same work as an attorney, so long as the work falls under the umbrella of immigration law, specifically, and not any other area of law. There are two types of accredited representatives: partially accredited and fully accredited. Partially accredited representatives may file cases under the jurisdiction of the Department of Homeland Security (DHS) only. DHS accepts affirmative cases, where court proceedings are not involved. Fully accredited representatives may file cases with DHS, with the Executive Office for Immigration Review (EOIR), or Board of Immigration Appeals (BIA). These cases include both affirmative and defensive cases, and immigration court may be involved.

How does CLINIC assist with legal support and R&A applications?

CLINIC offers technical assistance to their Affiliates through two online features: [Ask the Experts Form \(ATE\)](#) and the [Affiliate Support Form \(ASF\)](#). Affiliates can ask legal questions and request case assistance through ATE, and they can ask for program management or R&A application support through ASF. Affiliates can submit an entire application to CLINIC for review and feedback. Additionally, CLINIC provides detailed [DOJ R&A Toolkits](#) and offers regular [training](#) regarding changes in immigration law and policy.

What happens after R&A applications are approved?

Agency recognition is conditionally valid for two years and must be renewed every six years after that. Accreditation must be renewed every three years. Recognized organizations should be prepared to track data for recognition renewals. Accredited representatives should maintain their immigration law knowledge and experience by attending immigration law training and continuing their immigration law practice. Therefore, the ongoing support offered by CLINIC to assist Affiliates in maintaining their DOJ R&A is crucial.

CLINIC's [training calendar](#) and website provide extensive materials to assist in maintaining training requirements and having up-to-date information about DOJ R&A Policies.