



CATHOLIC LEGAL
IMMIGRATION
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NATIONAL OFFICE

September 1, 2020

Submitted via Federal Express

Ms. Lauren Alder Reid
Assistant Director
Office of Policy, Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041

Re: Comments on OMB No. 1125-0012, Agency Information Collection; Request for New Recognition, Renewal of Recognition, Extension of Recognition of a Non-Profit Religious, Charitable, Social Service, or Similar Organization (Form EOIR-31); and OMB No. 1125-0013, Agency Information Collection; Request by Organization for Accreditation or Renewal of Accreditation of Non-Attorney Representative (Form EOIR-31A)

Dear Ms. Alder Reid:

The Catholic Legal Immigration Network, Inc. (CLINIC) submits these comments in response and opposition to the Department of Justice's (DOJ) Information Collection published on July 13, 2020, revising Form EOIR-31, Request for New Recognition, Renewal of Recognition, Extension of Recognition of a Non-Profit Religious, Charitable, Social Service, or Similar Organization, and Form EOIR-31A, Request by Organization for Accreditation or Renewal of Accreditation of Non-Attorney Representative.

CLINIC embraces the core Gospel value of welcoming the stranger by promoting the dignity and protecting the rights of immigrants in partnership with a dedicated network of Catholic and community legal immigration programs. CLINIC supports the largest nationwide network of its kind with over 370 Catholic and community-based legal immigration service programs. CLINIC's affiliated immigration programs, which operate out of more than 400 offices in 48 states and the District of Columbia, employ approximately 2,000 attorneys and accredited representatives, and serve over 400,000 immigrants each year. Accredited representatives are the majority of legal representatives in our network.

CLINIC's founding and growth over its 32 years speak to the fact that there is an overwhelming need for immigration legal services, particularly for low-income immigrants and vulnerable populations. Meeting that need, and thereby achieving individual agency missions, is the purpose of CLINIC's network of affiliates and other immigration legal programs across the country. The limited availability of affordable attorneys, the threat of unauthorized practitioners of immigration law and the dispersion of low-income immigrants to a wider number of communities, especially rural and exurban, is why CLINIC's network and other nonprofits rely on Recognition and Accreditation (R&A) as an invaluable tool to increase the availability of competent non-lawyer representation for underserved immigrant populations. As such, any changes made by the Executive Office for Immigration Review (EOIR) and the Office of Legal Access Programs (OLAP) regarding R&A are of great importance to CLINIC and its network.

CLINIC urges the withdrawal of these proposed revised forms, as they attempt to create policy change through the form revision process. The amount of information required in the revised forms is burdensome, goes far beyond the requirements in the regulations,¹ and will make the recognition and accreditation process significantly more difficult for eligible organizations.

CLINIC Urges the Withdrawal of Revised Forms EOIR-31 and EOIR-31A

CLINIC urges the withdrawal of these proposed revised forms for several reasons. This Information Collection attempts to change policy through the form revision process, rather than going through the notice and comment process under the Administrative Procedures Act (APA). Several of the proposed changes increase the evidence required in order to qualify for recognition or accreditation in ways that are not supported by the current regulations. These changes are *ultra vires* to the regulations at 8 CFR § 1292. If DOJ wishes to increase the evidence required to qualify for the program, it would need to introduce these changes as a notice of proposed rulemaking under the APA.

Further, this Information Collection creates a significant increase in information and documentation in violation of the Paperwork Reduction Act (PRA), which seeks to reduce the paperwork burden on individuals and organizations. This DOJ Information Collection adds questions that suggest EOIR is concerned about representatives engaging in fraud yet fails to provide evidence that is cause for concern. This would turn a highly successful capacity-building program into a fraud investigation program, which is duplicative of EOIR's current functions to investigate any allegations of fraud in the R&A program. The addition of these questions would have a chilling effect on applications as the process becomes more complex and laborious, contradicting the purpose of the program to increase capacity.

It is not clear what problem OLAP was encountering with the previous version of the form that led to this version. The Federal Register Notices do not attempt to justify why collecting

¹ 8 C.F.R. § 1292 (2003).

significant amounts of information and evidence beyond that collected by the previous version of the form would be necessary, or what has changed that would make it necessary. Nor do they address under what authority they can require evidence that is *ultra vires* to the regulations.

As we set forth below, the proposed changes would alter the substantive standards used to evaluate applications. This is contrary to the APA and the PRA. The proposed forms should be withdrawn in their entirety because they do not meet the standards of the APA and would drastically increase time, expense, and paperwork burdens on applicants for the R&A program and on EOIR itself, without the agency stating a sufficient reason or benefit for such change.

Background and importance of the Recognition and Accreditation program

The purpose of the R&A program is to increase the capacity of the immigration bar to meet the needs of low-income and indigent immigrants.² Immigration law and policy is complex and rapidly changing.³ Without counsel to guide them through the application of immigration law to their case, many immigrants who cannot afford counsel do not have access to justice or due process. The R&A program was created to help ensure that immigrants and their families understand the immigration process, make informed decisions, and are able to present high-quality applications for immigration benefits.

Currently within the United States there is an overwhelming need for affordable immigration legal services, particularly for vulnerable populations. CLINIC estimates that the approximate 2,000 accredited representatives currently rostered under the R&A program comprise about 16 percent of the overall legal capacity to serve low-income immigrants.⁴ While the DOJ roster of recognized nonprofits and accredited representatives has grown since its inception in 1958, it is still insufficient to meet the growing demand for services. The DOJ restructured the program in 2016 in order to “address the critical and ongoing shortage of qualified legal representation for underserved populations in immigration cases before Federal administrative agencies.”⁵

Access to representation benefits both the immigrants and DOJ. Retired Immigration Judge Denise Slavin responded to CLINIC’s request for her opinion of the R&A Program stating, “In some jurisdictions, it provided the main resource for low income immigrants to obtain assistance in negotiating the complex maze of immigration law to either obtain relief or accept voluntary

² See, e.g. Recognition of Organizations and Accreditation of Non-Attorney Representatives, 80 Fed. Reg. 59,514, 59,516 (“As outlined below, the proposed rule would make significant changes to the process and qualifications for requesting and renewing recognition and accreditation, with the express purpose of increasing capacity while maintaining adequate standards for recognition and accreditation.”).

³ Sarah Pierce, *Immigration-Related Policy Changes in the First Two Years of the Trump Administration*, MIGRATION POLICY INSTITUTE, May 2019, www.migrationpolicy.org/research/immigration-policy-changes-two-years-trump-administration.

⁴ U.S. Department of Justice, Executive Office for Immigration Review, Recognition & Accreditation Program, “Recognition and Accreditation Rosters,” Aug. 31, 2020, www.justice.gov/eoir/page/file/942311/download.

⁵ 8 C.F.R. § 1003 (2016) at 92,358.

departure or removal, saving time and money for our overburdened court system by reducing the need for numerous court appearances and reducing appeals."

Thus, it is important that the R&A program continue to grow to meet this demand and ensure that all individuals who are interacting with the immigration system, either at the immigration courts or through filings with USCIS, have access to representation.

As stated in our December 2019 comments on proposed revisions to Forms EOIR 31 and EOIR 31A,

CLINIC sees the proposed form changes as intricately tied to the capacity for providing expanded, charitable immigration legal services to the most vulnerable non-citizens in our country...The clarity and accuracy of Forms EOIR-31 and EOIR-31A are extremely important to nonprofits and non-attorneys who practice immigration law in a charitable setting as they are the principal method for data collection required for their respective application for credentialing.

Following the closing of the 2019 Information Collection,⁶ EOIR released a significantly different version of Forms EOIR-31 and EOIR-31A from what was provided to the public for comment. The new forms, which were dated 2/2020, were simply posted on the Recognition and Accreditation Program page on the EOIR website on May 4, 2020.⁷ On May 19, 2020, CLINIC and World Relief formally requested EOIR rescind the 2/2020 versions of the forms and asked that EOIR provide stakeholders with an opportunity to review and comment.⁸ While we appreciate this opportunity to comment on the next iteration of the forms, we note that the 2/2020 version of the forms remain posted on EOIR's Recognition and Accreditation webpage. Again, we urge EOIR to rescind these forms and remove them from the website, as they were not properly released for public notice and comment as required by the PRA.

The proposed changes to Forms EOIR-31 and EOIR-31A would narrow the eligibility criteria for recognition and accreditation and increase the paperwork burden on applicants, directly affecting our organization and our affiliates.

⁶ Agency Information Collection Activities; Proposed Collection; Comments Requested; Request for New Recognition, Renewal of Recognition, Extension of Recognition of a Non-Profit Religious, Charitable, Social Service, or Similar Organization (Form EOIR-31), 84 Fed. Reg. 62555. Agency Information Collection Activities; Proposed Collection; Comments Requested; Request by Organization for Accreditation or Renewal of Accreditation of Non-Attorney Representative (Form EOIR-31A), 84 Fed. Reg. 62556.

⁷ U.S. Department of Justice, Executive Office for Immigration Review, Recognition & Accreditation Program, "Recognition Form EOIR-31," (Rev. Feb. 2020), www.justice.gov/eoir/page/file/1276426/download and "Accreditation Form EOIR-31A," (Rev. Feb. 2020), www.justice.gov/eoir/page/file/1276431/download.

⁸ Letter from Catholic Legal Immigration Network, Inc. and World Relief to Lauren Alder Reid, Assistant Director, Office of Policy, Executive Office for Immigration Review, U.S. Department of Justice and to Department of Justice Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (May 19, 2020), <https://cliniclegal.org/resources/federal-administrative-advocacy/clinic-and-world-relief-call-eoir-rescind-new-ra-forms>.

We also note that the timing of these revisions is inopportune. An audit of the R&A program by the Office of Inspector General is still ongoing and has not produced its findings and recommendations yet,⁹ so these revisions are premature and lack justification. EOIR should wait until the audit is complete before considering changes that could impact the operation of the program. Our concerns about the proposed changes to the forms are detailed below.

The Proposed Changes to Form EOIR-31 Are Inconsistent with the Regulations

CLINIC opposes many of the proposed changes to Form EOIR-31. Our evaluation and analysis is based upon a comparison between the January 2017 version of the form, the attached draft form provided by EOIR, and the regulations, which set forth the requirements for recognition. Below we describe our analysis of the time and cost for completion of the form, and our objections to the added requirements regarding state non-profit status, description of legal services, fee policies, technical legal support, and extension of recognition to other locations.

The Estimated Time and Cost for Completion of Form EOIR-31

In the Federal Register Notice for the proposed changes to Form EOIR-31, the estimated time for completion of Form EOIR-31 is two hours per response for initial applications for recognition, and seven hours per response for renewal of recognition.¹⁰ This is the same amount of time EOIR estimated for the January 2017 version of the EOIR-31, yet the proposed form requires considerably more information and details than the old form. For example, we estimate that each of the following new requirements in the form and instructions would require substantial amounts of time to respond: “detailed description of the scope, nature, and history of [the legal] services, and by whom they have been provided”; the detailed documentation requested for extension of recognition; as well as the additional time to organize and assemble the supporting documentation for the application packet. While not a comprehensive list, these are a few representative examples of requirements that would substantially add to the burden on applicants and organizations. To properly address these burdens, EOIR needs to provide a comprehensive analysis of its estimates for the time that it would take to complete all of the new requirements in its initial Federal Register Notice in order to be transparent and justify the additional burdens.

Based upon our own initial analysis, CLINIC estimates that more than 165 organizations will complete the application for initial recognition each year. This figure is based on CLINIC’s 2019

⁹ *Ongoing Work*, U.S. Department of Justice Office of the Inspector General (last visited Aug. 26, 2020), <https://oig.justice.gov/ongoing-work>.

¹⁰ Agency Information Collection Activities; Proposed Collection; Comments Requested; Request for New Recognition, Renewal of Recognition, Extension of Recognition of a Non-Profit Religious, Charitable, Social Service, or Similar Organization (Form EOIR-31), 85 Fed. Reg. 42008, 42008.

FOIA request for data on applications received by EOIR from 2010-2018,¹¹ and is significantly higher than EOIR's estimate of 129 per year. EOIR has estimated that 131 organizations will complete the application for renewal of recognition annually.

Instructions

In the Instructions, Part 1 (p. 2), the third sentence should be clarified as follows: "*If already recognized*, check the R&A Rosters to see how your organization's name currently appears."

State Non-Profit Status

The first question in Part 3 of the form is about current non-profit status. The instructions (Part 3, p. 2) state, "Your organization must have currently valid non-profit status granted by the appropriate state agency (usually from the Attorney General or Secretary of State of your state) to qualify for recognition. Submit a printout from this agency's website or a contemporaneous letter from the agency, confirming that status." This instruction narrows the evidence to demonstrate non-profit status from a pool of documents describing the entity that an organization can choose from, to one single acceptable document. We object to this narrowing of the evidentiary requirements.

The 2016 rule amending the regulations governing the requirements and procedures for R&A included new provisions that require an organization to establish that it is federally tax-exempt in addition to the requirement that the organization be a non-profit religious, charitable, social service, or similar organization. It is important to note that federal tax-exemption, which is granted by the Internal Revenue Service, is related to but different from non-profit status. Non-profit status is generally regulated under state law and often a precursor to applying for federal tax exemption. Further, state law and individual requirements for non-profit organizations vastly differ depending upon the organization's underlying corporate structure and activities concerning the solicitation of funds.¹² While some states require incorporated entities to file an annual report with the department of state or commerce, others states require a simple application/registration form or special tax filing. For this reason, the regulation at 1292.11(b) provides a list of evidence that an organization may provide in order to prove its status.

The requirement to submit a valid non-profit status granted by a state agency is too narrow of an evidentiary standard because non-profit status is not always confirmed in this way. For example, where a religious organization gains its tax-exempt status through a group ruling, it may not be

¹¹ FOIA Disclosures on the EOIR Recognition and Accreditation (R&A) Program, CLINICLegal.org, <https://cliniclegal.org/resources/freedom-information-act/foia-disclosures-eoir-recognition-and-accreditation-ra-program> (Oct. 15, 2019).

¹² See, *State Filing Requirement for Nonprofits*, National Council of Nonprofits, (last accessed Sept. 1, 2020), www.councilofnonprofits.org/tools-resources/state-filing-requirements-nonprofits, and *State-By-State Registration and Compliance*, Hurwit & Associates, (last accessed Sept. 1, 2020), www.hurwitassociates.com/states-reporting-requirements.

required to seek separate, non-profit status from the state where it is located. The United States Conference of Catholic Bishops is the central organization that holds a group tax exemption under section 501(c)(3) of the Internal Revenue Code, which was originally issued by the Internal Revenue Service in 1946. Some states, including Texas for example, do not issue state non-profit status to an organization that is a subordinate of a federal group exemption. An organization applying for recognition that does not have a traditional, state non-profit status may incorrectly believe that it does not qualify for recognition based on this question.

The wording of the question must reflect the breadth and flexibility of the regulatory language. The regulations state, "The organization must submit: A copy of its organizing documents, including a statement of its mission or purpose.... The organization may also submit additional documentation to demonstrate non-profit status and service to primarily low-income and indigent individuals, such as reports prepared for funders or information about other free or low-cost immigration-related services that it provides (e.g., educational or outreach events)."¹³ The regulations do not specify which organizing documents are required, beyond the statement of mission or purpose, and the current form instructions state, "PLEASE NOTE: A mission statement or statement of purpose of the organization *must* be included. Additional proof *may* include... state non-profit status." (Part 5, p. 4). Unlike the proposed new language, the prior edition's wording of this question accurately reflects the regulations.

EOIR has not offered any rationale for adding this requirement. Documentation requests should remain flexible because not all states require non-profit organizations to have this status, and it is not required for federal 501(c)(3) status. State non-profit status is generally required for organizations that wish to receive charitable contributions, but not all organizations wish to do this. A number of CLINIC affiliates do not have state non-profit status, and this requirement (already being implemented by adjudicators) is causing significant problems and delays in adjudication of their applications. These affiliates include some Catholic dioceses that operate under the 501(c)(3) status of the United States Conference of Catholic Bishops. There is no need for EOIR to require state non-profit status, since organizations can prove their non-profit status with other organizing documents such as the constitution, charter, by-laws, or articles of incorporation.

Finally, by requiring evidence of valid state non-profit status, DOJ is excluding from eligibility any organization that does not need to file for state non-profit status under the applicable state law. If DOJ wants to make a substantive change that would impact the eligibility of organizations for recognition, the agency would need to make that change through notice and comment rulemaking under the APA.

¹³ 8 C.F.R. § 1292.11(b) (2003).

Legal Services

Part 3 of the proposed form asks about the legal services the organization offers, and the instructions state, “An organization that does not currently offer immigration legal services must include a detailed description of the types of services it intends to provide if recognized. An organization that does currently offer immigration legal services must provide a detailed description of the scope, nature, and history of these services, and by whom they have been provided” (Part 3, p. 3). This level of detail is not consistent with the regulations. The regulations and current form merely require a “description of the immigration legal services.”¹⁴ To meet this requirement, our affiliates currently submit a brief, general statement along with a list of the specific immigration forms they will assist with, usually in the form of a fee schedule. In contrast, the proposed form would require a lengthy essay that would greatly increase the burden on applicants for no apparent reason.¹⁵

When the final version of the R&A regulations was published, the final rule described changes to the wording of the relevant section: “the information required to be submitted is more concise and has shifted to a focus on the legal services provided by the organization as a whole, rather than by its accredited representatives individually.”¹⁶ Despite the stated intentions of the final rule that is currently in effect, this revised form requires information submitted to be more voluminous and shifts the focus of the legal services back to the individuals providing them. These changes are not consistent with the regulations, are not necessary for the proper performance of the agency’s duties, and do not minimize the burden of the information collection on the respondents.

Fees

In Part 3 of the proposed form on page 1 there is a question about fees that states, “Attach fee schedule and fee waiver/reduction policy.” This is consistent with the regulations and current form. However, the corresponding instructions in the proposed form (p. 3) add the following requirement: “Include a copy of the fee waiver or reduction application your organization uses, if any.” There is no need for this additional documentation, which adds unnecessary paperwork to the process. The regulation only requires the “fee schedules and **organizational policies** or guidance regarding fee waivers or reduced fees based on financial need,”¹⁷ not the applications or forms used to implement such policies. Requiring this documentation is *ultra vires* to the regulations; if the agency wants to require documentation in addition to that currently required by the regulations, it would need to introduce the change under the APA with notice and comment.

¹⁴ See 8 C.F.R. § 1292.11(e) (2003); and U.S. Department of Justice, *Request for New Recognition, Renewal of Recognition, Extension of Recognition of a Non-Profit Religious, Charitable, Social Service, or Similar Organization*, Form EOIR-31, Part 7, p. 5 (Edition: Jan. 2017).

¹⁵ See *supra* section titled Estimated Time for Completion of EOIR-31 for a description of the burden caused by the time to complete the revised version of the form.

¹⁶ Recognition of Organizations and Accreditation of Non-Attorney Representatives, 81 Fed. Reg. 92,346, 92,355.

¹⁷ 8 C.F.R. § 1292.11(b) (2003).

Technical Legal Support

In Part 4 of the proposed form on p. 2 the last question is about technical legal support and requires a “Description of other party’s qualifications, experience, and breadth of immigration knowledge.” The corresponding instructions on p. 4 mention this description as well as another requirement: “If the other party is a private attorney, also attach his or her resume.” This additional information is *ultra vires* to the regulations. The regulations state, “The organization must submit... any agreement or proof of a formal arrangement... for consultations or technical legal assistance.”¹⁸ The current form in Part 7d states, “Attach all agreements with name(s) of private counsel and bar admission(s)” (p. 2). The detailed description of qualifications and resume are an added documentation burden that is unnecessary.

If the agency wishes to impose a requirement for applicants to document the qualifications, experience, and breadth of immigration knowledge not only for themselves, but for their advisors as well, then the agency would need to go through notice and comment rulemaking under the Administrative Procedures Act. Such a change cannot be made by revising a form under the Paperwork Reduction Act.

Extension of Recognition

Despite being subject to the Paperwork Reduction Act, the proposed changes to Form EOIR-31 include no fewer than five additional documents that would be required with a typical recognition application that includes a request for extension: 1) documentation of state non-profit status; 2) detailed description of legal services; 3) fee waiver or reduction application used by organization; 4) resume of attorney providing technical legal support; and 5) documentation of periodic inspections, joint operations, joint management structure, and joint finances for extension.

Part 7 of the proposed form requires extensive documentation in order to obtain recognition for an extension office. The instructions on p. 5 state, “Attach detailed documentation that addresses the relationship between the designated office and the proposed extension office(s) in each of the following areas:

- Periodic Inspections: How often does the designated office inspect the extension office(s) and how do these inspections take place?
- Joint Operations: What types of immigration legal services does each office perform?

¹⁸ 8 C.F.R. § 1292.11(e) (2003).

- Joint Management Structure: What is the management structure for the organization as a whole and for each office individually?
- Joint Finances: How is the immigration legal services program at each office funded and who oversees the finances at each office?
- Access to Legal Resources: What legal resources does the designated office have access to, and which of those resources can the proposed extension office(s) also access?

This level of detailed documentation is *ultra vires* to the regulations. The regulations state,

To request extension of recognition, an organization... must submit a Form EOIR-31 that identifies the name and address of the organization's headquarters or designated office and address of each other office or location for which the organization seeks extension of recognition. The organization must also provide a declaration from its authorized officer attesting that it periodically conducts inspections of each such office or location, exercises supervision and control over its accredited representatives at those offices and locations, and provides access to adequate legal resources at each such office or location.¹⁹

The current form requires limited additional information *only* if there are differences between the main office and extension sites: "Check this box if you have additional relevant information regarding this office or location, such as other contact information, or a fee schedule or supervisory structure different than the organization's headquarters or designated office (attach additional sheets of paper to describe)" (Part 4, p. 1). The regulations state at 8 CFR 1292.15 that declarations on the form and in the authorized officer's declaration are sufficient to demonstrate eligibility for recognition. Requiring documentation from all organizations in addition to the declarations is unnecessary and burdensome to both the applicant and to the agency that would have to process this paperwork.

As stated in the proposed instructions, "The purpose of extension of recognition is to *simplify* the communication and application processes between EOIR and a qualifying organization with more than one location" (Part 7, p. 5). Requiring extensive, additional documentation for an extension request defeats the purpose for which extension was created. Eligibility for extension **is already** demonstrated in the standard documents that are submitted for recognition. For example, an extension would be listed in the organizational chart that is submitted for recognition of the primary organization. CLINIC opposes efforts to make the application for extension more burdensome, as it is inconsistent with the purpose of the regulation: to increase the capacity of non-profit organizations to serve immigrant communities. The significant

¹⁹ 8 C.F.R. § 1292.15 (2003).

increase in information and documentation required by the proposed form is unnecessary and burdensome, as the application process is already thorough and consistent with the regulations.

Changes to Form EOIR-31A Are Inconsistent with the Regulations

CLINIC opposes many of the proposed changes to Form EOIR-31A. Our evaluation and analysis is based upon a comparison between the January 2017 version of the form, the attached draft form provided by EOIR, and the regulations, which set forth the requirements for accreditation. DOJ has expanded the questions on the Form EOIR-31A to include a great deal of additional information not currently required. Similarly to the EOIR-31, the significant increase in information and documentation is unnecessary and burdensome, as the application process is already thorough and consistent with the regulations. These additional questions are noted below.

The Estimated Time and Cost for Completion of EOIR-31A

In the Federal Register Notice for the proposed changes to Form EOIR-31A, the estimated time for completion of Form EOIR-31A is two hours per response.²⁰ This is the same amount of time estimated for the January 2017 version of the form, yet the proposed form has 15 additional questions and is significantly more complex. This estimate does not capture the full time commitment to complete the form because some of the new questions will require considerable time to research and obtain the answer. For example, the questions on the history of previous accreditation applications and the number of G-28s/E-28s filed will add considerable time to the preparation of the application. In addition, the questions about unauthorized practice and criminal background in Part 2C will require considerable time for the preparer to consult with the Human Resources department and potentially legal counsel regarding state/local restrictions on asking employees for this information. While not a comprehensive list, these are a few representative examples of requirements that would substantially add to the burden on applicants and organizations. To properly address these burdens, EOIR needs to provide a comprehensive analysis of its estimates for the time that it would take to complete all of the new requirements in its initial Federal Register Notice in order to be transparent and justify the additional burdens. Considering that the purpose of the R&A program is to increase capacity to assist underserved immigrant communities, those hours gathering nonessential information would be better spent furthering the mission of the organization through legal services, consultations, and community engagements.

Representative's Work Location

Part 1 of the proposed form on p. 1 requires the organization address(es) where the non-attorney representative works or intends to work. We question the need to add a separate question for this

²⁰ Agency Information Collection Activities; Proposed Collection; Comments Requested; Request by Organization for Accreditation or Renewal of Accreditation of Non-Attorney Representative (Form EOIR-31A), 85 Fed. Reg. 42009, 42010.

information, since OLAP does not track or indicate work location on the roster of recognized locations, and all accredited staff are listed under the main office address and are authorized to practice at any other recognized extension office of the organization. We also note that this information is subject to change, as staff may be moved around to work in different extension offices as needed.

Status with the Organization

Part 2A of the proposed form has a new question requesting the representative's status with the organization (employee, volunteer, or other) and the corresponding instructions state, "the resume... should reflect how frequently the representative has worked with your organization's immigration legal services program" (p. 3). This additional information is irrelevant to the accreditation adjudication and therefore unnecessarily burdensome. First, the status of the representative does not matter, as both employees and volunteers are eligible for accreditation. Second, this status is not static. It is not uncommon in our experience for volunteers to become employees and employees to become volunteers. Third, often applicants have not worked with the organization's legal services program at all, if the program is not yet recognized. In these (frequent) cases, the applicant has received his/her hands-on training with an outside, authorized provider such as another recognized organization. Fourth, frequency is not relevant. There is no provision in the regulations that would require the agency to deny accreditation if the frequency of work is below a particular threshold. Requiring submission of information or documentation that would not affect the applicant's eligibility for accreditation is wasteful and burdensome to both the applicant and the agency.

Previous Applications

Part 2A of the proposed form also asks about previous applications submitted on the representative's behalf. The corresponding instructions on p. 3 state, "describe any previous applications that have been submitted to the R&A Program on this representative's behalf. Include all applications ever submitted, whether by your organization or any other. For each application, list the date submitted, the name of the applicant organization, and the outcome of the application." This request is burdensome and includes information that OLAP should already have in its records. Many of our affiliates do not have this information easily available to them and would struggle to obtain it, especially for staff with many years of experience. For example, we recently assisted an affiliate staff person with 30 years of experience in immigration law and prior accreditation with three different organizations to renew her accreditation. She would not be able to provide the date for each application submitted in the past. For her and others with a wealth of knowledge and experience, this new requirement would lead to significant delays in completing the application process thereby disincentivizing the best of the accredited representatives from renewing their accreditation.

Submission of information about previous accreditation applications is not required by the regulations. In order to renew accreditation according to the regulations, an applicant need only demonstrate that they meet the same requirements as initial accreditation and that they continued to receive training in immigration law and procedure.²¹ Requiring that the applicant also submit their accreditation history is not supported by the regulations. Any applicant who is unable to submit their accreditation history may inaccurately believe that they do not qualify to renew their accreditation. This revision would impact the outcome of accreditation applications; such changes should go through notice and comment as a proposed rule under the APA, rather than as a form change under the PRA.

Previous Employment

Part 2A of the proposed form asks about the representative's previous employment. The corresponding instructions on p. 3 state, "If the representative is no longer affiliated with any of the organizations listed, indicate his or her reason for leaving." The question about the reason for leaving a previous employer is not necessary. Reasons for leaving previous employers are not relevant to accreditation as a non-attorney representative. The only information resulting from this question that might be relevant is if the reason for leaving the organization had anything to do with moral character. There is a separate section of the form that asks all relevant questions about any past wrongdoing that would elicit any information that would impact on the eligibility criteria for accreditation. Requiring applicants to indicate a reason for leaving previous employment only adds additional burdensome data entry that is not required by the regulations.

Practice for Renewal

Part 2B of the proposed form has a new question for those who are renewing accreditation. The question is about how frequently the representative has provided direct legal representation before USCIS or EOIR. The corresponding instructions on p. 5 state, "For renewal of accreditation applications only, indicate approximately how often during the past three years the Accredited Representative has entered an appearance before USCIS and EOIR on Forms G-28, E-28, or E-27." The regulations do not require demonstrating prior appearance in cases for renewal of accreditation. They only require that "Each request for renewal of accreditation must establish that the individual remains eligible for accreditation under 8 CFR § 1292.12(a) and has continued to receive formal training in immigration law and procedure commensurate with the services the organization provides and the duration of the representative's accreditation."²² To establish eligibility, the regulations require "A description of the individual's qualifications, including education and immigration law experience."²³ Furthermore, we note that an individual may practice immigration law without entering an appearance before USCIS or EOIR, such as

²¹ 8 C.F.R. § 1292.16 (c)(2) (2003).

²² 8 C.F.R. § 1292.16(c)(2) (2003).

²³ 8 C.F.R. § 1292.12(c) (2003).

when screening clients for eligibility for an immigration benefit, answering questions about their cases, or staffing a naturalization clinic.

Date of Birth

In Part 2C of the proposed form, there is a new question requiring the applicant's date of birth. The corresponding instructions on p. 5 state, "The representative's date of birth may be used to conduct a criminal background check." In the instructions for Form EOIR-31A, there is a Privacy Act Notice that states in relevant part, "EOIR may share the information provided with this form with others in accordance with approved routine uses." An applicant's date of birth is personally identifiable information (PII). Because DOJ intends to collect additional PII on this form, more clarification is needed in the privacy notice to indicate what "routine uses" would justify sharing this information.

While revising this Privacy Act Notice, DOJ should also change the wording of the privacy notice on the EOIR-31A, as it applies only to organizations and recognition, and not to individuals and accreditation.

Representative's Background - Character and Fitness

In Part 2C, the proposed form has a series of eight new questions pertaining to the applicant's character and fitness. The regulations outline the requirements for character and fitness in 8 CFR § 1292.12 (a) (1-5). They only require an attestation from the authorized officer and the proposed representative: "The request for accreditation must be signed by the authorized officer and the individual to be accredited, both attesting that the individual satisfies these requirements."²⁴ The regulations also state, "The character and fitness requirement may be satisfied through attestations of the authorized officer of the organization and the proposed representative and letters of recommendation or favorable background checks" (Part III, B, 2 (a)).

Six of the eight new questions match the language in the regulations, but we are especially troubled by the first two questions that are not found in the R&A regulations:

- Has the representative ever practiced law, as defined in 8 CFR 1001.1(i), without authorization?
- Has the representative ever committed a crime of any kind, even if he or she was not arrested, cited, charged with, or tried for that crime?

With these questions, the revised form requires organizations to ask about and report on applicants' past actions such as unauthorized practice of law and possible criminal activity even if they were not arrested or charged with any crime. The regulation only requires that both applicants and authorized officers attest to the character and fitness of the applicant for

²⁴ 8 C.F.R. § 1292.12(b) (2003).

accreditation. These questions are far too broad, and therefore are *ultra vires* to the regulations. The new questions would expose applicants to the risk of self-incrimination for matters that have not been before any court. Individuals may be unsure whether actions in their past amounted to a crime or not. They would need to seek legal advice to determine if a set of facts could be considered a crime or practicing law without authorization.

CLINIC has previously stated on the record that we oppose comparing the character and fitness requirement for accredited representatives to that applied to attorneys, as they are distinct licensing and credentialing programs with different motivations and expectations.²⁵ However, these new questions on the form even go so far as to set a *higher* standard for accredited representatives than what is required of attorneys by state bars, which normally only evaluate incidents that have resulted in conviction or other formal procedures in the justice system.²⁶

Asking the questions on this form of their employees may, in fact, cause some employers to violate state law or expose themselves to liability under state fair employment statutes. For example, under Massachusetts state law, it is unlawful employment discrimination for an employer “to request any information, to make or keep a record of such information, to use any form of application or application blank which requests such information” related to an incident in which no conviction resulted, a first conviction for any of several misdemeanors, any misdemeanors more than three years old, and any criminal record that has been sealed or expunged.²⁷ However, the proposed form would require employers to request information specifically about acts for which the employee was not convicted, without limitation of the type or relevance of the offense, and without regard to age or expungement. Employers may end up requiring employees to disclose information related to a past substance abuse problem that has been resolved, which may be considered a disability under the ADA. Requiring employers to ask

²⁵ See Letter from Jeanne M. Atkinson, Executive Director, Catholic Legal Immigration Network, Inc. to Jean King, General Counsel, Executive Office for Immigration Review, U.S. Department of Justice, (Nov. 17, 2015).

²⁶ For example, the three states with the highest number of registered attorneys each ask questions about convictions, but do not include any questions in the bar application about the possible commission of a crime for which no arrest was made. New York state’s application asks, “Have you ever, either as an adult or a juvenile, been cited, ticketed, arrested, taken into custody, charged with, indicted, convicted or tried for, or pleaded guilty to, the commission of any felony or misdemeanor or the violation of any law, or been the subject of any juvenile delinquency or youthful offender proceeding?” Unified Court System, State of New York, *Application for Admission to Practice as an Attorney and Counselor-at-Law in the State of New York*, www.nybarexam.org/Admission/Part%20I_ApplicationQuestionnaire_3.4.2020.pdf (Mar. 2020). California’s bar admission also inquires into “moral character” for bar admission including criminal convictions, but does not include any questions concerning the commission of crimes for which the applicant was not arrested. The State Bar of California, *Factors and Conduct Relevant to a Moral Character Determination*, <http://www.calbar.ca.gov/Admissions/Moral-Character/Factors-and-Conduct#criminal%20history> (last visited Sept. 1, 2020). And Texas precludes those with felony convictions or deferred adjudication of felonies from demonstrating good moral character and fitness, but also does not ask any questions about potential criminal conduct for which the applicant was not arrested. Texas Board of Law Examiners, *Rules Governing Admission to the Bar of Texas*, <https://ble.texas.gov/rule04> (last visited Sept. 2, 2020).

²⁷ Massachusetts General Law, Part I, Title XXI, Chapter 151B, Section 4, Para. 9.

these questions could result in fines and penalties or liability to employee lawsuits for employment discrimination.

All told, the changes to the EOIR-31A add requirements for work location, employment status, previous R&A applications, previous employment, use of accreditation for renewal, and many additional questions about character and fitness. While some of these changes may seem small, the cumulative effect of these changes is to require a significant amount of new information, none of which is necessary for the approval of accreditation. These questions would be an unnecessary burden to individual applicants, their employers, and the agency that would need to evaluate this complex and sensitive information.

Conclusion

In summary, the proposed Form EOIR-31A has 15 additional questions not on the current form. Most of these are unnecessary and/or increase the burden on the organization and its proposed representative. CLINIC opposes efforts to make the R&A process unnecessarily burdensome, and to use the information collection process to make changes to regulatory requirements, rather than going through the notice-and-comment rulemaking process under the APA.

Thank you for the opportunity to submit comments on the proposed form changes. Please contact Jill Marie Bussey, Director of Advocacy, at jbussey@cliniclegal.org for further information.

Sincerely,


Anna Marie Gallagher
Executive Director

Enclosures

RE: Request for Information Collection Instruments (Forms EOIR 31 & 31A)

EOIR, PAO (EOIR) <PAO.EOIR@usdoj.gov>

Fri 7/17/2020 2:03 PM

To: Jill Marie Bussey <jbussey@cliniclegal.org>

Cc: Advocacy <advocacy@cliniclegal.org>; EOIR, PAO (EOIR) <PAO.EOIR@usdoj.gov>

 2 attachments (2 MB)

Draft EOIR-31 July 2020 Fixed.pdf; Draft EOIR-31A July 2020 Fixed.pdf;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are concerned this is a suspicious email, please contact Xpertechs for review and next steps.

Good afternoon.

Per your request attached please find the draft information collection instruments associated with the Federal Register notice posted for the Forms EOIR-31 and EOIR-31A.

U.S. Department of Justice
Executive Office for Immigration Review
Communications and Legislative Affairs Division
Office of Policy
/krn

From: Jill Marie Bussey <jbussey@cliniclegal.org>**Sent:** Tuesday, July 14, 2020 11:02 AM**To:** EOIR, PAO (EOIR) <PAO.EOIR@EOIR.USDOJ.GOV>**Cc:** Advocacy <advocacy@cliniclegal.org>**Subject:** Request for Information Collection Instruments (Forms EOIR 31 & 31A)

Dear Sir or Madam,

On July 13, EOIR published the following two information collections in the Federal Register. The instructions in the Federal Register indicated that stakeholders should call EOIR to request the information collection instrument. Yesterday, I called the number provided and requested a copy to be sent to my email address. This morning, I received a phone call from an agent who requested that I submit my request in writing via email to this address.

Again, on behalf of CLINIC, I am requesting the information collections instruments, instructions, and any other draft or supporting documents that may assist us in fully and meaningfully responding to the below listed Federal Register Notices.

Further, we reiterate our requests that EOIR pull down and rescind the current Forms EOIR-31 and EOIR-31A (2/2020 versions) that are posted on EOIR's Recognition and Accreditation webpage. Any new versions of the forms should not be relied upon by EOIR until the proper comment process is completed.

- <https://www.federalregister.gov/documents/2020/07/13/2020-14953/agency-information-collection-activities-proposed-collection-comments-requested-request-for-new>
- Link to Form EOIR-31A: <https://www.federalregister.gov/documents/2020/07/13/2020-14954/agency-information-collection-activities-proposed-collection-comments-requested-request-by>

Thank you for your attention to this matter.

Sincerely,

Jill Marie Bussey
Director of Advocacy
Catholic Legal Immigration Network, Inc. (CLINIC)
8757 Georgia Avenue, Suite 850
Silver Spring, MD 20910*
Mobile: 240-353-5208
Twitter: [@JillMBussey](https://twitter.com/JillMBussey)
(Pronouns: she/her/hers)

**Please note that I am working remotely for the near future. During this time, I will be available via email, mobile phone, and text.*

U.S. Department of Justice
Executive Office for Immigration Review
Office of Policy
Office of Legal Access Programs

OMB#1125-0013
**Request by Organization for Accreditation or Renewal
of Accreditation of Non-Attorney Representative**

INSTRUCTIONS

Purpose of Form

Initial Accreditation

The Department of Justice (DOJ), through the Executive Office for Immigration Review's (EOIR) Recognition and Accreditation (R&A) Program, may authorize a non-attorney ("Accredited Representative") to practice immigration law. Only a DOJ Recognized Organization (or an organization that is concurrently applying for DOJ Recognition on Form EOIR-31) may request accreditation on behalf of its proposed representative(s). At the direction of the Assistant Director for Policy, the Office of Legal Access Programs (OLAP) administers the R&A Program. To apply, the organization must submit this Form EOIR-31A with supporting documentation to OLAP for adjudication by the Assistant Director for Policy (or the Assistant Director for Policy's delegate). An Accredited Representative must be an employee or volunteer of the organization and satisfy the eligibility criteria found at 8 C.F.R. § 1292.12. If approved, the Accredited Representative will be authorized to represent clients before the Department of Homeland Security (DHS) and, in some cases, EOIR's immigration courts and Board of Immigration Appeals (BIA). An individual's accreditation is tied to the Recognized Organization that submitted the application, so the Accredited Representative may only provide immigration legal services out of that Recognized Organization's approved office(s).

Only recognized organizations may submit requests for individuals' accreditation (Form EOIR-31A), and must submit a separate application for each proposed representative. If the proposed representative intends to work for more than one Recognized Organization, each organization must submit a separate Form EOIR-31A on the representative's behalf.

Example 1: Joe works part-time for Immigration Organization and part-time for Help for Immigrants, two distinct legal entities. Both entities must submit separate Forms EOIR-31A on Joe's behalf.

Example 2: Joe works for Immigration Organization with offices in City A, City B, and City C. Joe intends to work out of all three locations. Each office was recognized separately and has not obtained Extension of Recognition (see Form EOIR-31 Instructions). Even though the offices are part of the same legal entity, due to their separate recognition, EOIR treats them as independent organizations for R&A purposes. Each location must submit a separate Form EOIR-31A on Joe's behalf, for a total of three application packets.

Example 3: Joe works for Immigration Organization with offices in City A, City B, and City C. Joe intends to work out of all three locations. Immigration Organization has obtained extension of recognition, such that the office in City A is the principal office and the offices in City B and City C are its subordinates. Immigration Organization only needs to submit one Form EOIR-31A on Joe's behalf.

Renewal of Accreditation

Accreditation is valid for a period of three years from the date of approval. Recognized Organization must submit this form to apply for renewal on behalf of each Accredited Representative prior to each accreditation's expiration. An Accredited Representative may continue to provide immigration legal services while a timely submitted Form EOIR-31A is pending. This requirement does not result in the Recognized Organization's need to apply for renewal outside of its renewal schedule. The two renewal schedules run independently of each other; however, if the expiration dates happen to coincide, the Recognized Organization may submit the renewal applications concurrently.

Change of Accreditation Type

At any time, a Recognized Organization may request a change to an Accredited Representative's type of accreditation. This includes a change from full accreditation to partial accreditation or vice versa.

How to Complete

Part 1. Non-Attorney Representative Information

Provide the representative's complete name and any other names used. Also provide the representative's daytime phone number and email address.

Check the appropriate box(es) for the type(s) of accreditation requested.

- **Initial accreditation:** Check this box if your organization:
 - Has never requested accreditation for the representative;
 - Previously requested accreditation for the representative and was disapproved; or
 - Previously obtained accreditation for the representative but the representative is no longer accredited because of expiration of accreditation, lapse in employment, or other circumstances.

Also indicate whether your organization seeks partial or full accreditation. Partial accreditation authorizes an Accredited Representative to appear before DHS, while full accreditation authorizes an Accredited Representative to appear before both DHS and EOIR (the immigration courts and the BIA). Refer to the instructions under Part 2.B. below for information regarding the additional documentation that must accompany an application for full accreditation.

- **Renewal of accreditation:** Check this box if your representative is currently accredited and his or her accreditation is expiring. Expiration dates may be found on the R&A Rosters or by consulting the representative's accreditation approval letter. Enter your representative's accreditation expiration date in the space provided.

EOIR recommends that organizations apply for renewal of a representative's accreditation three months prior to expiration. Nevertheless, an application submitted by the expiration date will be timely. A representative's accreditation will remain valid pending EOIR's determination.

- **Change of accreditation type:** An organization may request at any time a change of accreditation type, whether from full to partial accreditation or partial to full accreditation.
 - A change from full to partial accreditation does not require the submission of Form EOIR-31A; instead, the organization's Authorized Officer may request the change via email or mail. However, if the change is requested in conjunction with the renewal of the representative's accreditation, then the organization must submit Form EOIR-31A.
 - A change from partial to full accreditation does require the submission of Form EOIR-31A and is treated like an accreditation renewal application. Therefore, the organization should submit documentation supporting both eligibility for full accreditation and for renewal of accreditation.

Provide the name of the organization requesting accreditation and its website. Check the appropriate box to indicate whether the organization is currently DOJ Recognized or not. Only a Recognized Organization may obtain accreditation on behalf of an individual. If the organization is not recognized, it must submit a concurrent Form EOIR-31 application packet with this application.

List the address(es) of any of the organization's office locations where the representative works or intends to work. Attach additional sheets if necessary.

Part 2. Qualifications for Accreditation

A. About the Representative

An attorney who is eligible to practice law in the United States does not qualify for DOJ Accreditation. See 8 C.F.R. § 1001.1(f) for the definition of *attorney*. Check the appropriate box indicating whether or not the representative meets this definition.

Check the appropriate box to indicate what the representative's status is with your organization, whether an employee, volunteer, or other. If the representative is affiliated with your organization but not as an employee or volunteer, check the "Other" box and provide an explanation. The résumé or other description of the representative's qualifications should reflect how frequently the representative has worked with your organization's immigration legal services program.

Use the spaces provided, attaching additional sheets if necessary, to describe any previous applications that have been submitted to the R&A Program on this representative's behalf. Include all applications ever submitted, whether by your organization or any other. For each application, list the date submitted, the name of the applicant organization, and the outcome of the application. If the representative is no longer affiliated with any of the organizations listed, indicate his or her reason for leaving.

B. Representative's Knowledge and Experience

Partial Accreditation

A representative must possess broad knowledge and adequate experience in immigration law and procedure in order to be accredited by the DOJ. Your organization should indicate whether it believes that the representative meets this requirement and submit the proof described in 8 C.F.R. § 1292.12(c). If the answer is "no" or you are unsure, you should attach an explanation providing more information. The regulations require that your organization submit all of the documents listed below.

- **Description of qualifications:** Submit a description of the representative's qualifications to practice immigration law, including education and experience. Provide relevant details such as dates, durations, locations, and duties assigned.
- **Training:** Submit a list of the immigration-related training the representative has attended, indicating the title of the training, the provider's name, date(s) and duration of the training, the names and titles of presenters, the topics covered, whether the training was attended in person or through other means, and whether the training was open to the public. Also submit documentation, such as certificates, showing that the representative has completed the listed training. Training must be formal; it should be preplanned, rather than impromptu, and taught by a qualified instructor. The purpose of the training should be to educate attendees on specific aspects of immigration law and procedure. Training in non-immigration law topics or in program management alone will likely not demonstrate immigration law knowledge and experience. Examples of activities that are not considered formal training are self-study, case-review meetings, stakeholder meetings with U.S. Citizenship and Immigration Services (USCIS), and volunteering at workshops. However, these activities could be used to evaluate a representative's immigration law experience.

An application for renewal of accreditation must establish that the representative has continued to receive formal training in immigration law and procedure during the past three years. Attach the documentation described above for each year since last accredited.

- **Fundamentals course:** Applications for initial accreditation, whether full or partial, must contain documentation showing that the representative has completed at least one course on the fundamentals of immigration law, procedure, and practice. While the specific content of a fundamentals course may vary, the

curriculum should be designed to give the attendee a broad overview of immigration law. Generally, a fundamentals course in immigration law should cover various forms of relief before the immigration courts and DHS, such as naturalization, family-based petitions, grounds of inadmissibility and removability, removal defenses, immigration consequences of crimes, and case management. Courses focusing primarily on the history of U.S. immigration law and theoretical concepts will generally not satisfy the requirement without an additional practical course or training, such as through a law school immigration law clinic.

Applications for renewal of accreditation do not need to include proof of attendance at a fundamentals course.

- **Letters of recommendation:** Applications for initial accreditation, whether full or partial, must also contain at least two letters of recommendation attesting to the representative's broad knowledge and adequate experience in immigration law and procedure. The authors must be qualified to write the letters, both because they are familiar with the representative's qualifications and because they themselves are familiar with immigration law and procedure. For example, a qualified author could be a current or former supervisor. The letters should provide detailed information rather than just conclusory statements that the representative "has broad knowledge and adequate experience in immigration law." The same or different letters may also address the representative's character and fitness.

Applications for renewal of accreditation do not need to include letters of recommendation unless requested by EOIR.

Full Accreditation

Because a fully Accredited Representative can appear before EOIR without attorney supervision, the representative must possess skills essential for effective litigation and advocacy in addition to meeting all of the requirements for partial accreditation. 8 C.F.R. § 1292.12(a)(6), (c).

- **Litigation skills:** An organization that is applying for full accreditation of one of its representatives must submit documentation showing that the representative possesses skills such as:
 - Performing legal research;
 - Presenting documentary evidence at a hearing before an immigration judge;
 - Questioning witnesses at a hearing before an immigration judge;
 - Pursuing appeals before the BIA; and
 - Preparing motions and briefs for consideration by an immigration judge or the BIA.
- **Advocacy skills:** An application for full accreditation must also show how the representative has developed trial and appellate advocacy skills, whether through training, education, or experience. For example, an organization may submit:
 - A log of hours and observations from attending immigration court hearings;
 - A log of hours spent shadowing an attorney or Accredited Representative who practices before EOIR;
 - A chart tracking cases pending before EOIR that the representative has assisted with and specifying in what capacity;
 - Redacted writing samples of briefs and motions co-authored by the representative;
 - Evidence of attendance at trainings that focus on practice before EOIR and the development of advocacy skills;
 - Documentation showing participation in mock trials or similar activities; and
 - Letters of recommendation that describe in detail the sources of the representative's advocacy-related skills, knowledge, and experience, written by authors with first-hand knowledge of these skills.

An Accredited Representative who seeks to renew his or her full accreditation should indicate the litigation- and advocacy-related training received and examples of cases represented before EOIR since last accreditation. If an Accredited Representative has not used his or her full accreditation in the last three years by representing clients

before EOIR, EOIR may presume that full accreditation is no longer needed and might only approve renewal of partial accreditation instead.

Renewal of Accreditation

For renewal of accreditation applications only, indicate approximately how often during the past three years the Accredited Representative has entered an appearance before USCIS or EOIR on Forms G-28, E-28, or E-27.

C. Representative's Background

A representative must have the character and fitness to represent clients before DHS, or the immigration courts and the BIA, or before all three. The purpose of this requirement is to ensure that Accredited Representatives are individuals whom the public can trust to provide competent, reliable, immigration legal services. This requirement also protects the integrity of the R&A Program in accrediting individuals who are upstanding, trusted members of their communities. Your organization should indicate whether it believes that the representative meets this requirement. You should be candid and demonstrate that the representative is qualified to be a DOJ Accredited Representative. If the answer is "no" or you are unsure, you should attach an explanation providing more information. The representative's date of birth may be used to conduct a criminal background check.

With limited exceptions, only licensed attorneys and DOJ Accredited Representatives may represent others in immigration legal matters. 8 C.F.R. §§ 292.1, 1292.1. Indicate whether the representative has ever engaged in the unauthorized practice of law. See 8 C.F.R. § 1001.1(i) for the definition of practice. If so, provide an explanation.

Character and fitness includes, but is not limited to, factors such as criminal background; prior acts involving dishonesty, fraud, deceit, or misrepresentation; past history of neglecting professional, financial, or legal obligations; and current immigration status that presents an actual or perceived conflict of interest. 8 C.F.R. § 1292.12(a)(1). If any of these or other factors apply to a representative, whether before or during accreditation, the organization should be completely honest and forthcoming with EOIR. It is better to be overly inclusive than to omit information. Attach a separate explanation containing more information if your organization answers "yes" to any of the final eight questions in Part 2.C.

Part 3. Declaration of Authorized Officer

Every Recognized Organization must designate an Authorized Officer who will act on behalf of the organization in recognition and accreditation matters. Because the Authorized Officer will serve as the sole point of contact for EOIR, the organization must provide his or her valid email address and phone number. The Authorized Officer need not be the President or Executive Director of the organization, but rather should be someone who is accessible to EOIR and knowledgeable about the organization's immigration legal services program. If the Authorized Officer is also the representative named in Part 1, he or she must sign both Parts 3 and 4 of this form. The Authorized Officer is responsible for verifying the contents of the Form EOIR-31A and promptly reporting to EOIR any material changes such as those listed in 8 C.F.R. § 1292.14(a). By signing the form under penalty of perjury, the Authorized Officer affirms that the form and its attachments are true, correct, and complete.

Part 4. Declaration of Representative

The representative is responsible for verifying the contents of the completed Form EOIR-31A and its attachments. By signing the form under penalty of perjury, the representative affirms that the form and its attachments are true, correct, and complete, and that he or she meets all of the eligibility criteria for accreditation.

Part 5. Proof of Service on USCIS District Director(s)

The organization must mail or deliver an exact copy of this form and its attachments to the USCIS District Director of the district where the organization is located. If the organization has extension of recognition and the designated and extension office(s) are located in more than one USCIS district, the organization must mail or deliver an exact copy of the form and its attachments to each applicable USCIS District Director.

The proof of service is the organization's formal guarantee that it mailed or delivered the application packet to the appropriate USCIS District Director(s). EOIR's FAQs contain more information about how to identify the appropriate USCIS District Director(s) and how to properly complete the proof of service.

Where to Submit

R&A Coordinator
Office of Legal Access Programs
Office of Policy
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2500
Falls Church, VA 22041

Other R&A Resources

R&A Website: <https://www.justice.gov/eoir/recognition-and-accreditation-program>
R&A Rosters: <https://www.justice.gov/eoir/recognition-accreditation-roster-reports>
R&A FAQs: <https://www.justice.gov/eoir/file/olap-ra-faqs/download>
Email: R-A-Info@usdoj.gov

Paperwork Reduction Act

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. In accordance with the Act, EOIR tries to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you. The estimated average time to review the form, gather necessary materials, and assemble the attachments is 2 hours for an initial application, and 7 hours (one hour for review and completion of this form, and 6 hours to provide the annual summaries of legal services provided) for renewal of recognition. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

Privacy Act Notice

The collection of this information is authorized by 8 U.S.C. §§ 1103, 1229a, 1362 and 8 C.F.R. §§ 1292.11-19 in order to request recognition of a non-profit religious, charitable, social service or similar organization. The information you provide is voluntary and will be used by EOIR employees to assess your organization's eligibility for recognition; however, failure to provide the requested information may preclude consideration of your request. Pursuant to the Privacy Act, EOIR may share the information provided with this form with others in accordance with approved routine uses. Furthermore, the submission of this form acknowledges that an approved applicant will be subject to the disciplinary rules and procedures at 8 C.F.R. 1003.101et seq., including, pursuant to 8 C.F.R. §§ 292.3(h)(3), 1003.108(c), publication of the approved applicant's name and findings of misconduct should the applicant be subject to public discipline.

U.S. Department of Justice
Executive Office for Immigration Review
Office of Policy
Office of Legal Access Programs

OMB#1125-0013

**Request by Organization for Accreditation or Renewal
of Accreditation of Non-Attorney Representative**

Part 1. Non-Attorney Representative Information

Name: First _____ Middle _____ Last _____

Other name(s) used _____

Daytime phone number _____ Email _____

Accreditation type(s)
requested

☐ **Initial** _____ Partial (to practice before DHS only)
_____ Full (to practice before DHS, immigration courts, and BIA)

☐ **Renewal** _____ Partial **Accreditation expiration date** _____
_____ Full

☐ **Change of accreditation type** _____ Partial to full
_____ Full to partial

Name of organization requesting accreditation _____

Organization website _____

Is organization recognized? ☐ No ☐ Yes *If "no," submit a concurrent EOIR-31 application packet.*

Organization address(es) where non-attorney representative works or intends to work:

Address 1

Address 2

Address 3

Part 2. Qualifications for Accreditation**A. About the Representative**Is the representative an attorney as defined in 8 C.F.R. § 1001.1(f)? ☐ No ☐ YesRepresentative's status with the organization ☐ Employee☐ Volunteer☐ Other _____If a previous accreditation application has ever been submitted on the representative's behalf, please provide:
(attach additional sheets if necessary)

Date

Organization Name

Outcome

(e.g. Approved, Disapproved, Withdrawn)

1. _____

Reason(s) for leaving organization, if applicable: _____

2. _____

Reason(s) for leaving organization, if applicable: _____

B. Representative's Knowledge and Experience

Does the representative possess broad knowledge and adequate experience in immigration law and procedure?

☐ No

☐ Yes

If "no," please explain.

If applying for partial accreditation, attach the following documents:

- ☐ A description of the representative's qualifications, including education and immigration law experience
- ☐ A list of all relevant, formal, immigration-related training with proof of completion (*only for the past three years for renewal of accreditation*)
- ☐ Documentation of at least one course completed on the fundamentals of immigration law, procedure, and practice (*not required for renewal of accreditation*)
- ☐ Letters of recommendation from at least two persons familiar with the representative's broad knowledge and adequate experience in immigration law and procedure (*not required for renewal of accreditation*)

If applying for full accreditation, in addition to the above documents required for partial accreditation, also attach evidence that the representative:

- ☐ Possesses skills essential for effective litigation
- ☐ Has formal training, education, or experience related to trial and appellate advocacy

If applying for renewal of accreditation, how frequently has the representative provided direct legal representation before USCIS or EOIR within the past three years or since last accredited?

USCIS: _____ EOIR: _____

C. Representative's Background

Does the representative possess the character and fitness to represent clients before the BIA, immigration courts, and/or DHS?

☐ No

☐ Yes

If "no," please explain.

Representative's date of birth (mm/dd/yyyy) _____

If you answer "yes" to any of the following questions, attach a separate explanation.

Has the representative ever practiced law, as defined in 8 C.F.R. § 1001.1(i), without authorization?

☐ No

☐ Yes

Has the representative ever committed a crime of any kind, even if he or she was not arrested, cited, charged with, or tried for that crime?

☐ No

☐ Yes

Has the representative ever been found guilty of, or pleaded guilty or nolo contendere to, a serious crime, as defined in 8 C.F.R. § 1003.102(h), in any court anywhere in the world?

☐ No

☐ Yes

Has the representative ever committed prior acts involving dishonesty, fraud, deceit, or misrepresentation?

☐ No

☐ Yes

Does the representative have a history of neglecting professional, financial, or legal obligations?

☐ No

☐ Yes

Does the representative have a current immigration status that presents an actual or perceived conflict of interest?

☐ No

☐ Yes

Has the representative ever resigned while a disciplinary investigation or proceeding was pending?

☐ No

☐ Yes

Is the representative subject to any order disbaring, suspending, enjoining, restraining, or otherwise restricting the individual in the practice of law or representation before a court or any administrative agency?

☐ No

☐ Yes

Part 3. Declaration of Authorized Officer

Under penalty of perjury, I attest that:

- I am the Authorized Officer of _____
(organization); *see Form Instructions for who qualifies to be an Authorized Officer*
- I have examined this form, including accompanying attachments, and to the best of my knowledge and belief, it is true, correct, and complete; and
- The representative named in Part 1 meets all of the eligibility criteria listed in 8 C.F.R. § 1292.12.

Signature of Authorized Officer

Date

Printed Name of Authorized Officer

Phone Number

Title of Authorized Officer

Email Address

Part 4. Declaration of Representative

Under penalty of perjury, I attest that:

- I have examined this form regarding my qualifications for accreditation, including accompanying attachments, and to the best of my knowledge and belief, it is true, correct, and complete;
- I meet all of the criteria listed in 8 C.F.R. § 1292.12, qualifying me to represent others before DHS and/or EOIR; and
- I consent to the publication of my name and findings of misconduct should I become subject to public discipline.

Signature of Representative

Date

Printed Name of Representative

Part 5. Proof of Service on USCIS District Director(s) (attach additional sheets of paper as necessary)

I, _____, on behalf of the organization, _____
_____, mailed or delivered a copy of this Form EOIR-31 and its
attachments on _____ (month/day/year) to:

(1) _____
USCIS District Office

Number and Street _____ City _____ State _____ Zip Code _____

(2) _____
USCIS District Office

Number and Street _____ City _____ State _____ Zip Code _____

Signature

U.S. Department of Justice
Executive Office for Immigration Review
Office of Policy
Office of Legal Access Programs

OMB#1125-0012
**Request for New Recognition, Renewal of Recognition,
Extension of Recognition of a Non-Profit Religious,
Charitable, Social Service, or Similar Organization**

INSTRUCTIONS

Purpose of Form

Initial Recognition

The Department of Justice (DOJ), through the Executive Office for Immigration Review's (EOIR) Recognition and Accreditation (R&A) Program, may authorize a non-profit religious, charitable, social service, or similar organization that provides immigration legal services primarily to low-income and indigent clients to provide representation through non-attorneys ("Accredited Representatives") in immigration proceedings. At the direction of the Assistant Director for Policy, the Office of Legal Access Programs (OLAP) administers the R&A Program. An organization may request DOJ Recognition by submitting this form with supporting documentation to OLAP for adjudication by the Assistant Director for Policy (or the Assistant Director for Policy's delegate). If approved, the organization's Accredited Representatives will be authorized to appear on behalf of clients before the Department of Homeland Security (DHS) and, in some cases, EOIR's immigration courts and Board of Immigration Appeals (BIA). Approved organizations are "recognized" and appear on the R&A Rosters.

When applying for recognition, an organization must simultaneously submit Form EOIR-31A to apply for accreditation of at least one representative. After obtaining initial recognition, a Recognized Organization may apply for the accreditation of additional representatives at any time during the period of recognition. Approved representatives are "accredited" and will appear on the R&A Rosters.

Renewal of Recognition

An organization must renew its recognition by submitting Form EOIR-31 prior to expiration of recognition. Expiration dates appear on the R&A Rosters and on the organization's approval letter. A Recognized Organization's Accredited Representative(s) may continue to provide immigration legal services while a timely submitted Form EOIR-31 is pending. If EOIR has approved an organization's application for extension of recognition, the expiration date of the headquarters or other designated office extends to all of the organization's other offices. An organization granted initial recognition must renew after two years; all other organizations must renew after six years.

Extension of Recognition

EOIR may treat an organization with more than one location in one of two different ways:

- **Extended Recognition:** An organization may request extension of recognition from a designated office to its other location(s) by submitting only one Form EOIR-31 with supporting documentation. EOIR may grant the request if the organization establishes that the proposed extension location(s) shares joint operations, management structure, and funding sources; has access to the same legal resources; and is periodically inspected by the designated office. If approved, all locations will have the same recognition renewal date, and any representative accredited to work at one location will be authorized to work at all locations, simply by submitting one Form EOIR-31A.
- **Separate Recognition:** An organization that does not qualify for extension of recognition or that chooses to proceed separately must submit a separate Form EOIR-31 for each location. EOIR will treat each location as an independent organization, having its own recognition renewal date. In addition, each location will have to submit its own Forms EOIR-31A for each Accredited Representative.

How to Complete

Part 1. Organization Information

Provide the organization's complete name. The organization name must be a legal name that is on file with the Secretary of State or similar agency of the state under which the organization is formed. Check the R&A Rosters to see how your organization's name currently appears. A Recognized Organization has the duty to promptly report material changes to EOIR, including organization name and address changes. If your organization's name has changed but you have not previously reported it to EOIR, check the box provided and include a name change certificate or similar document on file with the appropriate state authorities.

Provide the organization's contact information. Provide both physical and mailing addresses (if different). If your organization's contact information has changed but you have not previously reported it to EOIR, check the box provided.

Part 2. Type of Recognition Requested

Check the appropriate box(es) for the type(s) of recognition requested.

- **Initial Recognition:** Check this box if you are an organization that:
 - Has never requested recognition;
 - Previously requested recognition and was disapproved; or
 - Previously had recognition, which was later terminated.

If your organization is applying for initial recognition, complete Parts 1–4, 6, 8, and 9. If either the organization or its Authorized Officer ever applied for recognition for this or any other organization, provide the organization name(s) previously applied under. If the Department of Justice ever disapproved or terminated the recognition of any of these organizations, provide the date(s) of disapproval or termination.

- **Renewal of Recognition:** Check this box if your organization is currently recognized and your recognition is expiring. Expiration dates may be found on the R&A Rosters or by consulting the organization's recognition approval letter. Enter your organization's recognition expiration date in the space provided.

EOIR recommends that organizations apply for renewal of recognition three months prior to expiration. Nevertheless, an application submitted by the expiration date will be timely. An organization's recognition will remain valid pending EOIR's determination regarding renewal. If your organization is applying for renewal of recognition, complete Parts 1, 2, 4–6, 8, and 9. If your organization has updated information to report, complete Part 3.

Extension of Recognition: Check this box if your organization has more than one location and is seeking extension of recognition to a new location. Provide the number of offices (excluding the designated office) for which your organization is requesting extension of recognition. Complete Parts 1, 2, and 7–9. If your organization has updated information to report, complete Part 3.

Part 3. Information About Organization

- **Non-Profit Status:** Your organization must have currently valid non-profit status granted by the appropriate state agency (usually from the Attorney General or Secretary of State of your state) to qualify for recognition. Submit a printout from this agency's website or a contemporaneous letter from the agency, confirming that status.
- **Organization Type:** Only religious, charitable, social service, or similar organizations qualify for recognition. Submit proof that your organization qualifies under one of these categories, including a statement of its mission or purpose.

- **Immigration Legal Services:** An organization that does not currently offer immigration legal services must include a detailed description of the types of services it intends to provide if recognized. An organization that does currently offer immigration legal services must provide a detailed description of the scope, nature, and history of these services, and by whom they have been provided. An organization that intends to expand the scope of those services if recognized must include a description of those expanded services as well.
- **Clients:** The regulations require that an organization primarily serve low-income and indigent clients to qualify for recognition. 8 C.F.R. § 1292.11(a)(1). The documentation your organization submits, such as the fee schedule, fee waiver and reduction policies, types of services offered, and funding sources, should support this requirement.
- **Fees:** If your organization charges fees, submit the fee schedule available to your clients and the written policies regarding when the organization will reduce and waive fees. The fee schedule should reflect the types of services your organization offers or intends to offer. The policies should set forth the objective criteria that your organization will use in accommodating clients unable to pay for immigration legal services. Include a copy of the fee waiver or reduction application your organization uses, if any.
- **Tax-Exempt Status:** Only federal tax-exempt organizations are eligible for recognition. If your organization is tax-exempt, submit a currently valid IRS tax-exemption determination letter or alternative documentation to establish federal tax-exempt status. If the name and address on the letter or alternative documentation do not match the information you provided in Part 1 of this form, provide an explanation with supporting documentation. If your organization is not currently tax-exempt, provide proof that you have applied for this status with the IRS and submit a copy of the IRS determination letter to EOIR when received.

Part 4. Information About Organization's Immigration Law Practice

EOIR will consider the information and documentation submitted in response to this Part to determine whether the organization has access to adequate knowledge, information, and experience in immigration law and procedure to warrant DOJ Recognition. The regulations require that your organization submit all of the documents listed in this Part. 8 C.F.R. § 1292.11.

- **Budget(s):** If your organization currently offers immigration legal services, submit the immigration program budget for the current year and the prior year. The prior year's budget should reflect actual, not projected, performance. The budgets should describe how your organization is funded and include information about your organization's operating expenses and sources of revenue for providing immigration legal services. Please be as specific as possible when itemizing each revenue source and expense type. If your organization does not yet offer immigration legal services, submit only the proposed budget for the upcoming year, differentiating between those funds that are expected versus currently available. Budgets should include revenue sources and expense types only for the organization's immigration legal services program.
- **Legal Resources:** In the practice of immigration law, Recognized Organizations and their Accredited Representatives will need to refer to legal resources such as statutes, regulations, and other immigration law publications. List the legal resources that your organization uses or plans to use in offering immigration legal services and whether your organization accesses these resources in print or electronic form.
- **Organizational Chart:** In support of the requirement that Recognized Organizations have access to adequate knowledge, information, and experience in all aspects of immigration law and procedure, submit an organizational chart listing the names and titles of all immigration legal staff members, including their supervisors. If your organization has more than one location and is applying for extension of recognition, the organizational chart should reflect the structure of the immigration legal services program at each location.

- **Attorney(s) on Staff:** Check the appropriate box to indicate whether your organization has on staff any immigration attorney(s) licensed in the United States and in good standing. If yes, provide a résumé or other description of each attorney's qualifications, experience, and breadth of immigration knowledge.
- **Technical Legal Support:** Check the appropriate box to indicate whether your organization has any formal agreement(s) to consult with and/or receive technical support from private counsel, Recognized Organizations, or other qualified sources. If yes, attach the agreement(s) as well as a description of the other party's qualifications, experience, and breadth of immigration knowledge. If the other party is a private attorney, also attach his or her résumé.

Part 5. Renewal of Recognition

An organization must periodically establish that it continues to meet the eligibility criteria for recognition by submitting a renewal application on Form EOIR-31. In addition to this form, the regulations at 8 C.F.R. § 1292.16(c)(1) require the organization to also submit the following documents:

- **Fee Schedules:** If your organization charges fees, it must submit a copy of every fee schedule that was made available to clients during the previous recognition period. Clearly indicate at the top of each schedule the period during which it was in use.
- **Annual Summaries:** These are summaries of the immigration legal services that your organization has provided since the last approval of recognition. Submit a separate summary for each calendar year or partial calendar year, if applicable. The contents of these annual summaries are described at 8 C.F.R. § 1292.14(b)(2) and include information such as total number of clients served, a description of the services provided, and a statement regarding fees charged. Please refer to the regulations and EOIR's Frequently Asked Questions (FAQs) for a complete list of the information required, as well as samples of annual summaries.
- **Federal Tax-Exempt Status:** If your organization does not have individual federal tax-exempt status but rather is a subordinate of a larger entity's group ruling, provide evidence of continued tax-exempt status. For example, this may be in the form of a current letter from a denomination's headquarters stating that the Recognized Organization is still included in its group ruling or the relevant pages of the most recent Official Catholic Directory for organizations that derive their tax-exempt status from the U.S. Conference of Catholic Bishops.

The regulations at 8 C.F.R. § 1292.14(a) require that an organization promptly notify EOIR of certain changes, including those that might affect the organization's recognition eligibility under 8 C.F.R. § 1292.11. If your organization has not reported these changes, please check the appropriate box and submit a description of the relevant changes and supporting documentation.

Part 6. Information About Organization's Accredited Representative(s)

To be eligible for initial recognition, an organization must simultaneously submit an accreditation application (Form EOIR-31A with supporting documentation) to have at least one employee or volunteer of the organization approved as an Accredited Representative. If EOIR does not approve at least one of the accreditation applications submitted, the organization's recognition application cannot be approved. In the space provided, indicate the number of accreditation applications that accompany your organization's recognition application. Also list the name(s) of your organization's proposed representative(s), attaching an additional sheet if necessary. A renewing organization should provide this information if it is concurrently submitting an accreditation application; however, this is not a requirement for renewal of recognition.

A Recognized Organization must have at least one Accredited Representative on staff at all times, unless it is on inactive status. If you are renewing your organization's recognition, provide a list of names of all the Accredited Representatives currently on staff with your organization. Attach additional sheets as necessary.

Part 7. Extension of Recognition

As explained on page 1 of these instructions, an organization may request extension of recognition from a designated office to its other locations. The purpose of extension of recognition is to simplify the communication and application processes between EOIR and a qualifying organization with more than one location. If approved, the designated office will be responsible for all recognition- and accreditation-related communications and applications on behalf of itself and its extension office(s). Therefore, an eligible organization must show that its designated office exercises sufficient management and control over its proposed extension office(s).

Indicate the number of offices, not including the designated office, for which the organization is seeking extension of recognition. Provide the name and contact information for each extension office.

Attach detailed documentation that addresses the relationship between the designated office and the proposed extension office(s) in each of the following areas:

- Periodic Inspections: How often does the designated office inspect the extension office(s) and how do these inspections take place?
- Joint Operations: What types of immigration legal services does each office perform?
- Joint Management Structure: What is the management structure for the organization as a whole and for each office individually?
- Joint Finances: How is the immigration legal services program at each office funded and who oversees the finances at each office?
- Access to Legal Resources: What legal resources does the designated office have access to, and which of those resources can the proposed extension office(s) also access?

Part 8. Declaration of Authorized Officer

Every Recognized Organization must designate an Authorized Officer who will act on behalf of the organization in recognition and accreditation matters. Because the Authorized Officer will serve as the sole point of contact for EOIR, the organization must provide his or her valid email address and phone number. The Authorized Officer need not be the President or Executive Director of the organization, but rather should be someone who is accessible to EOIR and knowledgeable about the organization's immigration legal services program. The Authorized Officer is responsible for verifying the contents of the Form EOIR-31 and promptly reporting to EOIR any material changes such as those listed in 8 C.F.R. § 1292.14(a). By signing the form under penalty of perjury, the Authorized Officer affirms that the form and its attachments are true, correct, and complete.

Part 9. Proof of Service on USCIS District Director(s)

The organization must mail or deliver an exact copy of this form and its attachments to the U.S. Citizenship and Immigration Services (USCIS) District Director of the district where the organization is located. If the organization (1) has, or is applying for, extension of recognition; and (2) has its designated and extension office(s) located in more than one USCIS district, the organization must mail or deliver an exact copy of the form and its attachments to each applicable USCIS District Director.

The proof of service is the organization's formal guarantee that it mailed or delivered an exact copy of this form and its attachments to the appropriate USCIS District Director(s). EOIR's FAQs contain more information about how to identify the appropriate USCIS District Director(s) and how to properly complete the proof of service.

Where to Submit

R&A Coordinator
Office of Legal Access Programs
Office of Policy
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2500
Falls Church, VA 22041

Other R&A Resources

R&A Website: <https://www.justice.gov/eoir/recognition-and-accreditation-program>
R&A Rosters: <https://www.justice.gov/eoir/recognition-accreditation-roster-reports>
R&A FAQs: <https://www.justice.gov/eoir/file/olap-ra-faqs/download>
Email: R-A-Info@usdoj.gov

Paperwork Reduction Act

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. In accordance with the Act, EOIR tries to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you. The estimated average time to review the form, gather necessary materials, and assemble the attachments is 2 hours for an initial application, and 7 hours (one hour for review and completion of this form, and 6 hours to provide the annual summaries of legal services provided) for renewal of recognition. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

Privacy Act Notice

The collection of this information is authorized by 8 U.S.C. §§ 1103, 1229a, 1362 and 8 C.F.R. §§ 1292.11-19 in order to request recognition of a non-profit religious, charitable, social service or similar organization. The information you provide is voluntary and will be used by EOIR employees to assess your organization's eligibility for recognition; however, failure to provide the requested information may preclude consideration of your request. Pursuant to the Privacy Act, EOIR may share the information provided with this form with others in accordance with approved routine uses. Furthermore, the submission of this form acknowledges that an approved applicant will be subject to the disciplinary rules and procedures at 8 C.F.R. 1003.101et seq., including, pursuant to 8 C.F.R. §§ 292.3(h)(3), 1003.108(c), publication of the approved applicant's name and findings of misconduct should the applicant be subject to public discipline.

U.S. Department of Justice
Executive Office for Immigration Review
Office of Policy
Office of Legal Access Programs

OMB#1125-0012
Request for New Recognition, Renewal of Recognition,
Extension of Recognition of a Non-Profit Religious,
Charitable, Social Service, or Similar Organization

Part 1. Organization Contact Information

Organization Name _____

☐ Check this box if your organization's name has officially changed. See Form Instructions.

Other Name(s) Used _____

Physical Address (where organization provides immigration legal services)

Number and Street	Suite Number	City	State	Zip Code
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Mailing Address (if different than address above)

Number and Street	Suite Number	City	State	Zip Code
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Telephone _____ Email _____ Website _____

☐ Check this box if your organization's contact information has changed. See Form Instructions.

Part 2. Type(s) of Recognition Requested (check all that apply)

Initial Recognition Complete Parts 1-4, 6, 8, 9

What organization name(s) has your organization or Authorized Officer previously applied under?

☐

Prior disapproval or termination date (if applicable): _____ (Month/Day/Year)

☐

Renewal of Recognition Complete Parts 1, 2, 4-6, 8, 9; to report updates, complete Part 3.

Recognition expiration date: _____ (Month/Day/Year)

☐

Extension of Recognition Complete Parts 1, 2, 7-9; to report updates, complete Part 3.

Number of offices for which requesting extension of recognition (excluding headquarters): _____

Part 3. Information About Organization

Does your organization have current non-profit status? ☐ No ☐ Yes Attach proof from appropriate state agency

Is your organization a religious, charitable, social service, or similar organization?

☐ No ☐ Yes Attach organizing documents, including statement of mission or purpose

Does your organization provide immigration legal services? ☐ No Attach description of services to be provided

☐ Yes Attach description of services provided

Does your organization serve primarily low-income and indigent clients? ☐ No ☐ Yes

Does your organization charge fees? ☐ No ☐ Yes Attach fee schedule and fee waiver/reduction policy

Is your organization a federal tax-exempt organization? ☐ No Attach proof of pending IRS application

☐ Yes Attach proof of currently valid tax-exempt status

Part 4. Information About Organization's Immigration Law Practice

Attach the following documents:

- ☐ Immigration budget for current year and prior year
- ☐ Description of the legal resources to which your organization has access
- ☐ Organizational chart identifying names and titles of immigration legal staff and supervisors at all locations

Does your organization have on staff any attorney(s) licensed in the United States and in good standing?

- ☐ No ☐ Yes *Attach description of qualifications, experience, and breadth of immigration knowledge*

Does your organization have any formal agreement(s) to consult with and/or receive technical legal support from private counsel, Recognized Organizations, or other qualified sources?

- ☐ No
- ☐ Yes *Attach* ☐ All agreements; and ☐ Description of other party's qualifications, experience, and breadth of immigration knowledge

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*

Part 6. Information About Organization's Accredited Representative(s)

Number of accreditation applications (Form EOIR-31A) concurrently submitted, if applicable: _____

Name(s) of applicant(s) for accreditation: _____

If renewing recognition, list name(s) of current Accredited Representative(s) or indicate "none": (attach additional sheets if necessary) _____

Part 7. Extension of Recognition

(If more than one office, attach additional sheets of paper with the information contained below.)

Extension Office Name _____

Physical Address (where organization provides immigration legal services)

Number and Street	City	State	Zip Code
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Mailing Address (if different than address above)

Number and Street	City	State	Zip Code
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Telephone _____ Email _____ Website _____

Attach documentation and/or a narrative that demonstrates each of the following:

- ☐ Frequency with which Organization in Part 1 conducts inspections of proposed Extension Office
- ☐ Joint operations
- ☐ Joint management structure
- ☐ Joint funding sources and financial oversight
- ☐ Extension Office has access to the same legal resources as the Organization in Part 1

Part 8. Declaration of Authorized Officer

Under penalty of perjury, I attest that:

- I am the Authorized Officer of _____
(organization); *see Form Instructions for who qualifies to be an Authorized Officer*
- I have examined this form, including the accompanying attachments, and to the best of my knowledge and belief, it is true, correct, and complete;
- The Organization and its Extension Offices, if any, will provide immigration legal services primarily to low-income and indigent clients;
- The Organization will conduct regular inspections of its Extension Offices, if any;
- The Organization will supervise its Accredited Representatives at all recognized locations; and
- I consent to the publication of the Organization's name and findings of misconduct should the Organization become subject to public discipline.

Signature of Authorized Officer _____

Date _____

Printed Name of Authorized Officer _____

Phone Number _____

Title of Authorized Officer _____

Email Address _____

Part 9. Proof of Service on USCIS District Director(s) (attach additional sheets of paper as necessary)

I, _____, on behalf of the organization, _____
_____, mailed or delivered a copy of this Form EOIR-31 and its
attachments on _____ (month/day/year) to:

(1) _____
USCIS District Office

Number and Street _____ City _____ State _____ Zip Code _____

(2) _____
USCIS District Office

Number and Street _____ City _____ State _____ Zip Code _____

Signature _____