



September 8, 2020

Lauren Alder Reid
Assistant Director, Office of Policy
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 1800
Falls Church, VA 22041

Re: OMB Numbers 1125–0012, 1125–0013: Comments Requested on FORM EOIR-31 and FORM EOIR-31A

Dear Assistant Director Reid:

On behalf of the Coalition for Humane Immigrant Rights (“CHIRLA”), I submit these comments in response to the Agency Information Collection Activities by the Executive Office of Immigration Review (EOIR) regarding changes to FORM EOIR-31 (OMB 1125-0012) and FORM EOIR-31A (OMB 1125-0013.) The proposed changes to these forms will harm CHIRLA’s work as a legal service provider that employs numerous non-attorney individuals whose roles depend on their “accredited representatives” status with EOIR.

Founded in 1986, CHIRLA is a non-profit whose mission is to achieve a just society that is fully inclusive of immigrants. CHIRLA is comprised of five main departments: legal services, policy and advocacy, community education, civic engagement and organizing. CHIRLA’s legal department offers free legal services for immigrants in three main areas: Deferred Action for Childhood Arrivals (DACA), Family Based Immigration and Removal Defense.

Changes to FORM EOIR-31

CHIRLA currently has a pending application for renewal of our extended recognition as a non-profit organization that provides immigration legal services primarily to low-income and indigent clients. The pending application adds additional designated offices that have become part of CHIRLA since our last renewal.

It is our intension in the future to add additional designated offices to our organization, and we therefore object to proposed changes to the form that will increase our burden beyond what the regulations require as detailed below. Further, we are assuming that our pending application will not be subject to these changes as part of the current evaluation. If our assumption is incorrect, our objections would include this retroactive application as particularly burdensome given the ongoing COVID-19 pandemic.

Issues with the Changes to the Form

The questions regarding the frequency of periodic inspections, joint operations, joint management structure and joint finances are redundant, burdensome and serve no reasonable purpose. The attestation by our authorized officer, as required by the regulations at 8 CFR § 1292.15, regarding CHIRLA's compliance with any related requirements for extended accreditation are sufficient. The current renewal process allows CHIRLA to focus on its mission to serve the communities who need our assistance. This process is meant to facilitate renewal for compliant organizations like ours, while the proposed changes result in the opposite.

Changes to FORM EOIR-31A

Currently, CHIRLA has 15 accredited representatives on staff. Several of their accreditations are currently pending the adjudication of timely submissions of FORM EOIR-31A. Further, CHIRLA has or intends to submit applications for accreditation for six additional individuals. The need has never been greater in the community for legal assistance, a reality exacerbated by the ongoing pandemic as well as the Administration's changes to the DACA program, the fee schedule and more.

The accredited representatives are essential to our work at both our main office as well as our other offices. The other offices serve populations in remote parts of California where few attorneys are available to serve indigent and low income immigrants. At the main office, the accredited representatives are essential to helping with DACA renewals and more, offloading strain placed on our attorneys.

Finally, accredited representatives are integral to many of the grant opportunities that we apply for to fund our legal service and community education programs. Without the representatives, we could offer neither the quality nor the quantity of services that we do currently.

Issues with the Changes to the Form

The changes to FORM EOIR-31A are even more intrusive and burdensome to CHIRLA than the ones to FORM EOIR-31.

1) Currently, we submit resumes and organizational charts that we already have on hand. These contain the locations and status of the accredited representatives. It also allows the representatives to serve where the need is currently the greatest. The additional requirements regarding the address(es) where the representative works

or intends to work is more than an administrative burden, it will also limit our flexibility and nimbleness that is necessary to fulfilling our mission.

2) In addition, the new requirement that representatives indicate the frequency of their services is burdensome and unnecessary per the relevant regulations at 8 CFR § 1292.12.

3) The new requirement that representatives lists all previous applications as well as reasons for leaving other recognized organizations has no basis whatsoever in the regulations. This would require CHIRLA to verify this information for each applicant, and it will necessitate the collection of information from other organizations. This will be incredibly burdensome in some cases, and it is redundant since this is information that EOIR should have in its possession.

4) Requiring that the accredited representative approximate how many appearances he/she has had before USCIS or EOIR in the past three years is also irregular. While our representatives generally do not suffer from a lack of appearances, there can be instances where they may not have official appearances but instead do essential work for our attorneys. Wielding that particular use of their skillset against them, as is implied by this requirement, is anathema to the very purpose of the accreditation program. Their value to our organization cannot be quantified in this manner and their requisite experience is already attested to as part of the current accreditation process.

5) Finally, the criminal background check on the new form may put CHIRLA in a position of violating California labor laws. The form's requirement that all crimes, even absent an arrest, citation, charge or trial, be listed on the form is at odds with CA Labor Code 432.7 regarding a job applicant or even a current employee's criminal history. While there is an exemption if required by federal law, there is a question regarding whether this requirement, which is not mentioned in the regulations, is in fact required by law.



Conclusion

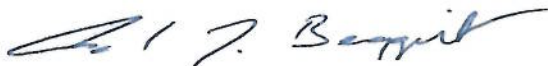
The new requirements on both forms are both unnecessary and burdensome in and of themselves. However, CHIRLA does not have the luxury to view them in isolation. Instead, we must deal with them as part of the onslaught of new rules and regulations that target not just CHIRLA as an organization but also the communities we serve.

Due to constant policy changes ranging from immigration enforcement priorities, the functioning of EOIR itself and the institution of asylum, CHIRLA is continually distracted from its core duties and instead compelled to react to the changes by commenting on them in this fashion as well as retraining staff and educating our clientele.

Accordingly, CHIRLA respectfully requests that the proposed and burdensome changes to both forms be withdrawn forthwith. At a minimum, we request that these changes go through the rulemaking process with appropriate notice and comment.

Thank you for considering our comments. Please contact Carl Bergquist at cbergquist@chirla.org to provide any additional information you might need. We look forward to your response.

Sincerely,



Carl Bergquist, Policy Counsel
Coalition for Humane Immigrant Rights (CHIRLA)