

SUPPORTING STATEMENT

OMB No. 1125-0012

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 A. Justification

1. Necessity of Information Collection - The Executive Office for Immigration Review (EOIR) seeks an extension with changes of a currently approved information collection (OMB#1125-0012) for the recognition of a Non-profit Religious, Charitable, Social Service, or Similar Organization. Regulations prescribe who may represent individuals in immigration proceedings. The Office of Legal Access Programs (OLAP) may accord recognition to organizations to practice before EOIR and the Department of Homeland Security (DHS). *See* 8 C.F.R. §§ 1292.11, 1292.13(a).

An organization is eligible for recognition if it meets regulatory and relevant Board case law requirements. Specifically, the organization must: be a non-profit religious charitable, social service or similar organization established in the United States; successfully establish before the OLAP that it charges only nominal fees and no excessive membership dues for persons seeking assistance; and, demonstrate that it has available sufficient knowledge, information, and experience. 8 C.F.R. §§ 1292.11(a)(1), 1292.11(a)(4). The organization applies for recognition by submitting a Form EOIR-31 to OLAP, and serving a copy of the Form EOIR-31 on the local District Director of the U.S. Citizenship and Immigration Services (USCIS) of DHS and the local Chief Counsel of the

U.S. Immigration and Customs Enforcement (ICE) of DHS. 8 C.F.R. § 1292.13(a).

The Form EOIR-31 collects information about the organization, including a description of its funding sources, the immigration law resources and knowledge available to the organization, the resumes and immigration training of its employees, and its organizational structure. This information is necessary to prevent fraud and ensure that the organization has available the requisite knowledge and skill to represent individuals in immigration proceedings, and that the organization has appropriate practices in place to accommodate clients unable to pay fees for immigration legal services.

EOIR has made a number of changes to the form and the instructions in an effort to provide greater clarity of purpose and the needs and uses of the information collected. Since the last renewal of this collection, EOIR has observed repeated omissions and insufficiently clear responses to a number of the questions on the form, in addition to missing attachments required to adjudicate the application. EOIR has made a number of changes to the collection to address these issues, consistent with the regulatory requirements for granting recognition to accord recognition to organizations to practice before EOIR and the Department of Homeland Security (DHS). EOIR also seeks to accept the application and all supporting documents electronically through the Recognition and Accreditation (RandA) electronic case management system. The RandA system is currently being expanded to include a public facing portal that would allow organizations to create user accounts to submit applications for recognition and accreditation. Other than

establishing a username and password, EOIR does not expect to require any additional information from the organization that is not already collected pursuant to the authorized information collections OMB 1125-0012 and OMB 1125-0013. The system is expected to retain all information provided by organizations to ease the burden during the renewal process by having the past information readily available for the organization to reference.

2. Needs and Uses - The application for recognition of an organization (Form EOIR-31) is filed with and adjudicated by EOIR. OLAP receives and processes requests for recognition of an organization. The application is considered by OLAP, as well as USCIS and ICE, which are served with the application, and may respond to it. Careful review of the Form EOIR-31 application materials is necessary to prevent the recognition of fraudulent or unqualified organizations and ensure that only those organizations with sufficient immigration knowledge available to them and that charge no more than nominal fees for their services should be recognized. Only these recognized organizations may then present themselves to the public as authorized to employ accredited representatives to represent individuals before EOIR and/or DHS.

3. Use of Technology - The use of this form provides the most efficient means for collecting and processing the required data. The Form EOIR-31 is available on EOIR's website as a fillable pdf. The information can be typed into the fillable fields, and either emailed or printed out for submission to the agency, or the form can be printed in its entirety and then completed by typing or printing legibly. EOIR expects to complete

development of a public facing platform in its RandA case management system for applicants to complete the form through the filing portal within the next year.

4. Efforts to Identify Duplication - The only method for an organization to apply for recognition is to file the Form EOIR-31. A review of EOIR's forms revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose.

5. Impact on Small Businesses - This collection has an impact on small businesses or other small entities to the extent they are non-profit organizations applying to OLAP for recognition before EOIR and/or DHS. However, this collection does not impose undue burden on these non-profit organizations; instead, the requested information is necessary for OLAP's determination of the recognition request. The information collection seeks photocopies of pre-existing materials, where applicable, and summaries of information. EOIR estimates that it will take approximately two hours to complete the form for new recognition and seven hours to complete the form for renewal of recognition and produce the requested documents.

6. Consequences of Less Frequent Collection - Failure to collect this information would deprive the organization of establishing eligibility for recognition.

7. Special Circumstances Influencing Collection - None of the eight special circumstances identified in OMB instruction number 7 apply to this collection.

8. Federal Register Publication and Consultation- A 60-day notice covering this collection was published in the Federal Register on August 15, 2022 (87 FR 50123). A 30-day notice covering this collection will be published in the Federal Register. EOIR received nine comments during the 60-day period related to the proposed revisions to forms EOIR-31 and EOIR-31A. All nine comments were submitted by organizations, eight of which are currently recognized through the Recognition and Accreditation (R&A) Program. EOIR acknowledges that comments were also provided previously, related to the 2020 revisions of forms EOIR 31 and EOIR-31A. The prior comments, and the nine comments received during the 60-day period, were substantially similar and in most instances the nine comments received during the 60-day period referenced both the revisions to the 2020 forms as well as the proposed revisions to the 2022 forms. As a result, while the responses below address the comments received during the 60-day period, commenters should find that essentially all comments received related to the revisions to forms EOIR-31 and EOIR-31A have been addressed.

General concerns with the proposed changes to Form EOIR-31 (OMB# 1125-0012) and Form EOIR-31A (OMB# 1125-0012)

The Proposed Changes to the Forms Are an Attempt to Change Policy Without Going Through the Proper Notice and Comment Process

Comment: Commenters asserted that the new versions of the Form EOIR-31 and Form EOIR-31A are an attempt to change policy without going through the notice and

comment process required under the Administrative Procedure Act. The commenters further asserted that the proposed changes improperly increase the evidence required to qualify for recognition or accreditation in ways that are not supported by the current regulations and requested the withdrawal of the proposed revisions to the forms.

Response: The purpose of revising the forms is to clarify the process for recognition and accreditation while eliminating the need for follow up requests for information. This will ensure reliable and effective representation for non-citizens. The proposed changes to the forms clarify the supporting documents and evidence organizations must include with an application for recognition or accreditation to establish eligibility under the regulatory requirements. This clarification adheres to current regulations and details what evidence the Department will rely on in evaluating applications. No additional information beyond what is required by the regulations to establish eligibility is required and as such the changes are not a change in policy. The Department expects these clarifications will allow applicant organizations to be more successful in initial applications because the requirements will be clearly stated. The changes will also reduce overall processing time because required information will be submitted with initial applications as opposed being submitted during a series of follow up requests from the Department for missing information.

Comment: Commenters expressed disappointment about the lack of dialogue with stakeholders prior to the changes and about the need to request the forms rather than see them published for transparency.

Response: The Department appreciates dialogue with stakeholders where necessary and appropriate. In this instance, the need for clarification was determined internally and the Department did not require stakeholder feedback in advance of publication in the Federal Register. Specifically, the Department determined that the changes were necessary to ensure that applications for recognition or accreditation establish eligibility under the regulations and to assist in the efficient adjudication of recognition and accreditation applications. Of note, typical practice of forms publication does not include publication of the form itself but invites interested parties to request such draft forms.

The Department understands the commenter's concern as it relates to the review of the forms and took steps to provide ample opportunity for review of and comment on the revisions, including extending the validity and acceptance of the 2017 version while providing notice and review of the latest revisions, which include many, but not all, of the 2020 revisions.

The Proposed Changes to the Forms Are Overly Burdensome and Will Have a Chilling Effect on the R&A Program

Comment: Commenters wrote that the new versions of the forms violate the Paperwork Reduction Act, which seeks to reduce the paperwork burden on individuals and organizations and would result in fewer applications for recognition and accreditation due to an allegedly more complex and laborious process. Further, commenters wrote that the burdensome application process would increase the backlog of application review.

Response: The Department seeks to continue to build capacity under the R&A Program

and seeks to ensure that appropriate standards that properly interpret the regulations on R&A eligibility are applied in evaluating applications for recognition or accreditation. The revisions to the forms provide applying organizations with clarity regarding the standards the Department applies in its evaluation. Rather than reducing applications, the Department expects that the clarity provided by the changes will result in more complete initial applications, reduce the need for additional outreach to organizations due to incomplete applications, and ultimately reduce the overall time spent on compiling a sufficient application. Such a reduction in review time will result in the Department's ability to review and issue determinations on more applications and reduce the backlog of pending applications. The Department also expects that providing clearer instructions will increase the number of successful applicants as organizations and potential representatives better understand what information is required for a successful application.

The Proposed Changes to the Forms Will Narrow Eligibility Criteria and Decrease Representation

Comment: Commenters asserted that the proposed changes to the forms contravene the R&A Program's purpose to increase capacity-building to meet the needs of low-income and indigent immigrants by narrowing the eligibility criteria for recognition and accreditation. Commenters stated that this will result in a decrease in representation throughout the immigration system. Commenters also asserted that the increased burden of the forms will make the recognition and accreditation process more difficult and exacerbate a decline in quality immigration legal services available to low-income

individuals.

Response: The Department's recognition of organizations and accreditation of individuals to provide representation in immigration proceedings is the Department's method of conveying to the public that these organizations and individuals provide competent and reliable immigration services on which respondents may rely. The proposed changes are intended to ensure that only qualified organizations and individuals are recognized and accredited. The changes do not narrow eligibility for recognition or accreditation but do serve to help the Department ensure that successful applicants meet the regulatory eligibility requirements. That the new forms more clearly state these requirements do not negate the fact that the requirements have been in place since the rule's effective date of January 18, 2017.

Additionally, it has been the Department's experience that when submitting applications with the current forms, organizations often submit incomplete applications that fail to meet the regulatory requirements, ultimately causing a lengthy review process as the Department seeks to rectify incomplete and insufficient applications by working directly with the applying organizations. The proposed changes to the forms simply clarify the evidentiary requirements so organizations will submit a more complete application at initial submission.

By submitting all the necessary documentation in their initial submissions, organizations should receive determinations more quickly than before. Rather than thwarting the stated purpose of the R&A program, the proposed changes will increase the availability of

quality immigration legal services available to low-income individuals. Further, organizations will be able to submit a complete application more easily, enabling more of the staff time to focus on the important work they do rather than the application.

The Proposed Changes to the Forms Are an Attempt to Turn a Capacity Building Program Into a Fraud Investigation Program

Comment: Commenters asserted that the new versions of the form place too much emphasis on investigating fraud. The commenter stated that this would duplicate current efforts already occurring in EOIR's fraud and abuse prevention program to investigate any allegations of fraud in the R&A Program. Similarly, one commenter stated that investigating fraud is beyond the scope of the R&A Program's mission.

Response: The proposed changes reflect regulatory requirements and present these requirements in a way that allows the applicant organization and representative to better understand what documents and information must accompany an R&A application.

When encountered, the R&A Program reports any concerns of irregular activity to the EOIR Fraud and Abuse Prevention Program. In addition, the R&A Program refers allegations of fraud received from stakeholders.

The Department continues to take steps to avoid fraudulent activity, including by those approved by the Department to serve these important roles in immigration court and before the Department of Homeland Security. Rather than solely reacting to allegations of fraud after they occur, the Department also takes steps to prevent fraud from occurring.

The Proposed Changes to the Forms Exceed the Department's Authority Because the Required Evidence Is Ultra Vires to the Regulations

Comment: Commenters expressed concern that the Department failed to explain the reasons for implementing new versions of the forms. The commenter asserted that the Federal Register Notices failed to justify the additional collection of information and did not address under what authority the Department chose to do so. Another commenter asserted that the proposed changes create new standards for the R&A Program that are unsupported and exceed the Department's regulatory authority. In general, commenters asserted that various changes to the form are ultra vires in that the regulations do not allow for the specific collection of information requested.

Response: In reviewing R&A applications, the Department often encounters applications with insufficient supporting documentation. The prior forms did not require less documentation than the proposed forms. Rather, submitting organizations interpreted the regulations and the forms to require less documentation than is necessary to complete a full and thorough adjudication of the application. The revised forms attempt to clarify the necessary information that is required and assist organizations in understanding the program, including the duties and responsibilities of the Authorized Officer.

The Department has authority to implement these changes under 8 U.S.C. 1103, 1229a, 1362 and 8 CFR 1292.11-19. Moreover, in evaluating applications, the Department has authority to request additional information from the organization pertaining to the eligibility requirements for recognition or accreditation. 8 CFR 1292.13(a). The

Department has determined that the requested information is necessary for evaluation of applications for recognition or accreditation and the changes clarify the existing regulatory standards and assist organizations to understand what documentation is required to meet these standards.

The Retroactive Application of the Proposed Changes to the Forms Would be Unduly Burdensome

Comment: Commenters expressed concern about whether the new forms would apply to a currently pending application for renewal of extension of recognition.

Response: Any pending applications submitted using the current forms will be adjudicated pursuant to the requirements and instructions contained therein. It is important to note, however, that the proposed changes to the forms do not alter the existing regulatory requirements. Currently pending applications must still meet all regulatory requirements and will be adjudicated by such standards.

The proposed changes to Form EOIR-31 are inconsistent with and exceed the scope of the regulations

Length of Time to Complete Forms

Comment: Commenters noted that the estimated amount of time to complete the Form EOIR-31 is the same as for the prior form, despite requiring more information and details than the prior form. One commenter expressed concern with the Department's time

estimates, stating that it took the organization's Director of Legal and Social Services more than 20 hours to prepare the form and accompanying documentation. The commenter asserted that it took an estimated 5-10 hours collectively of other staff who contributed to the drafting of affidavits, collection of required or recommended documentation, collating and copying, and preparing the form for filing.

Response: The proposed EOIR-31 serves to clarify the necessary documentation that is already required by the regulations. The revisions to the form are intended to assist organizations in the process of completing the application thoroughly and accurately. The amount of information required remains the same as the previous version, so the Department does not believe that additional time will be required to complete the form as compared to proper completion of the previous version. The time estimated to complete the form is an estimated average. It is expected that some organizations may spend additional time preparing the applications while others may spend fewer hours to prepare the applications.

Proof of Non-Profit Status

Comment: Commenters asserted that requiring evidence of non-profit status from the appropriate state agency overly narrowed the available acceptable evidence. One commenter stated that 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.

One commenter stated that the regulation only requires organizing documents, including

a statement of mission or purpose, to establish non-profit status. The commenter noted that additional evidence, including a state-agency designation is permissible but not required by the regulation. The commenter asserted that the revised Form EOIR-31 exceeds the requirements of the regulation and increases the burden on applicant organizations because, for example, the Commonwealth of Virginia requires applicants to obtain a federal non-profit exemption as a prerequisite to obtaining a state non-profit exemption. The commenter asserted that the proposed form revision forces applicant organizations to secure additional and duplicative documentation from state authorities when federal tax-exempt status – or a pending request for federal tax-exempt status – is already required by regulation. The commenter further argued that the range of documentation permitted by regulation to establish non-profit status – such as funder reports, a description of services or federal tax records – meets the purpose while permitting reasonable flexibility for applicant programs.

Response: The regulations require that an organization be a non-profit organization. Non-profit status is regulated by states. Therefore, the Department refers to state documents to verify non-profit status.

Although organizations provide organizing documents, such as a constitution, charter, by-laws, or articles of incorporation, such documentation indicates only that the organization was established as a non-profit – it does not provide evidence of current status. For example, a state could have withdrawn an organization’s non-profit status if the organization did not file required annual reports with the state. Consequently, in its review of an organization’s application, the Department searches for an organization in

the appropriate state's Secretary of State (SOS) website and prints out the most current document indicating whether the organization is still active as a non-profit organization.

The Department has determined that referring to a state's determination of non-profit status provides a metric that ensures consistent review and application of Department policy. Although states may have varying requirements to establish non-profit status, the Department ultimately defers to each state's determination. Regardless, if an organization does not appear in the Secretary of State's database, the organization could provide alternate, verifiable documentation with an explanation regarding current non-profit status.

Also of note, organizations dependent upon another organization's non-profit status for such categorization should evaluate the option to be an extension of that non-profit with proven status as opposed to seeking recognition on its own.

Description of Legal Services

Comment: Commenters expressed concern with the level of detail required by organizations to explain the legal services they provide or intend to provide. Commenters asserted that requiring the organization to provide a detailed description of the types of services it intends to provide if recognized or a detailed description of the scope, nature, and history of currently provided services was overly burdensome. Commenters further asserted that this level of detail is not consistent with the regulations.

Commenters argued that the proposed revision to Form EOIR-31 also violated the intent

of the regulations which intended to shift the focus of applications from the individual work of accredited representatives to the legal services provided by the organization. Commenters stated that 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.

One commenter asserted that requiring additional documentation regarding the description of legal services would result in a heightened burden on organization staff and may impede the provision of legal services in smaller organizations.

Response: A "description of the immigration legal services" includes the scope, nature, and history of the services. A "brief, general statement" is generally not detailed enough to understand the specific nature of services the organization provides. The organization is not required to submit a document of any minimum length, but must provide more than a brief, general statement to allow for proper analysis of the application. The organization needs to explain the scope, nature, and history of the services. A smaller organization's staff that prepares the recognition application and provides direct legal services would be in the best position to provide a complete description of the legal services provided.

Fee Waiver/Reduction Application

Comment: One commenter expressed disagreement with requiring organizations that charge a fee to provide a copy of the fee waiver or reduction application in addition to requiring a copy of the fee schedule and fee waiver/reduction policy itself. The commenter asserted that requiring the application is *ultra vires* to the regulations and that

the Department should propose the change under APA notice and comment procedures.

Response: One of the primary requirements of eligibility for recognition is that the organization must “provide[] immigration legal services primarily to low-income and indigent clients.” 8 C.F.R. § 1292.11(a)(1). Although organizations that charge fees for services may be recognized, the organization must have “a written policy for accommodating clients unable to pay fees for immigration legal services.” *Id.* In addition to the written policy, an organization’s fee waiver or reduction application provides the Department with necessary context and information to understand the manner in which an organization determines when and how to waive or reduce fees. The fee waiver or reduction application supplements the written policy and explains what questions and information the organization requests when determining whether to waive or reduce fees.

Technical Legal Support

Comment: One commenter asserted that requiring the résumé of a private attorney who provides consultations or technical legal assistance is ultra vires to the regulation and unnecessary.

Response: Organizations applying for recognition must demonstrate that they have “access to adequate knowledge, information, and experience in all aspects of immigration law and procedure.” 8 C.F.R. § 1292.11(a)(4). This includes outlining available legal resources and, in the case of immigration legal staff members, describing their qualifications, experience, and breadth of immigration knowledge. *Id.* at 1292.11(e). For organizations that require the technical legal assistance of an outside attorney to

competently represent clients, the Department must obtain detailed background information to ensure that these individuals are qualified to support the organization. Additionally, because these services are utilized to complement an organization's existing resources to establish eligibility for recognition, the organization must demonstrate that these individuals provide sufficient additional resources and technical knowledge such that the Department may be confident in the organization's overall ability to represent clients in immigration proceedings. Moreover, private attorneys providing consultations or technical legal assistance will work directly with the organization to offer guidance and support on various cases. In addition, as noted above, providing this background information in the initial submission will result in a quicker and more efficient review process, as reviewers will no longer need to expend additional time and energy seeking out this information after the application has been submitted, as is current practice.

Extension of Recognition

Comment: One commenter stated that the additional documentation and level of detail required by the proposed Form EOIR-31 for a recognition application that includes a request for extension is *ultra vires* to the regulation. Specifically, the commenter stated that requiring evidence in addition to the required declarations is unnecessary and burdensome to applicants and to the Department in reviewing the applications. The commenter asserted that the regulations at 8 C.F.R. § 1292.15 specify that the declarations are sufficient to demonstrate eligibility for recognition.

Another commenter asserted that requiring answers regarding the frequency of periodic inspections, joint operations, joint management structure and joint finances are redundant, burdensome and serve no reasonable purpose. Specifically, the commenter asserted that the attestation by the authorized officer, as required by the regulations at 8 CFR 1292.15, regarding the organization's compliance with any related requirements for extended accreditation is sufficient.

Response: The regulation at 8 CFR 1292.15 specifies that EOIR “may require an organization to seek separate recognition for an office or location of the organization, for example, when a subordinate office or location has distinct operations, management structure, or funding sources from the organization's headquarters.” When applying for such extension, the regulations require, that in addition to providing the name and address of each office or location seeking extension, the applying organization must submit a declaration from the 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.” 8 C.F.R. § 1292.15.

It has proven exceedingly difficult to determine whether a proposed extension office meets the regulatory requirements to have distinct operations, management structures, or funding sources based solely on the provided declarations. In addition, formerly provided declarations do not contain information regarding the level and frequency of supervision over the proposed extension office(s) as required by 8 C.F.R. § 1292.15. The Department believes this information is necessary to ensure that appropriate supervision and control

are exercised over the proposed office(s) considered as extensions of the recognized office or location. Therefore, the Department has determined it is necessary to require this information to be submitted with the initial application to ensure that extension of recognition is granted in compliance with the regulatory requirements.

Comment: Commenters stated that eligibility for extension of recognition is already demonstrated in the standard documents submitted for recognition. Further, the commenter asserted that requiring additional documentation is unnecessary and burdensome as the current application process is already thorough and complies with the regulations.

Response: Although a majority of the eligibility requirements are demonstrated through the standard documents, the additional information requested is not established through these documents. For example, the level and frequency of supervision over the proposed extension office is not typically included in the standard recognition documents. At the same time, that the regulations separately outline requirements for extension of recognition underscores that there are additional requirements that an organization must meet to establish eligibility for extension of recognition.

The Department agrees that “[t]he purpose of extension of recognition is to simplify the communication and application processes between EOIR and a qualifying organization with more than one location.” Simplification of communication, however, does not equate to a lowering of the standard for initial eligibility or remove the regulatory requirements for eligibility.

Comment: Commenters asserted that the proposed changes to extension of recognition are overly burdensome and cost critical time and resources for smaller organizations and could serve to deter smaller organizations from seeking recognition at all, even if they are eligible. In turn, the commenter asserted that this would exacerbate the access to representation crisis and is contrary to the stated purpose of the R&A program to expand access to competent representation.

Response: To ensure compliance with the regulations, all organizations, even smaller organizations, must demonstrate that a proposed extension office is part of the organization and not a separate entity. As noted, the changes to the forms will ease the burden of the application process because organizations will clearly understand the documentation needed to establish eligibility. These clarifying edits are intended to reduce the number of times that Department reviewers must reach out for additional supporting documentation.

Specific Changes/Clarifications

Comment: Commenters recommended that in Part 1 of the instructions for Form EOIR-31, the third sentence be clarified to read: “If already recognized, check the R&A Rosters to see how your organization’s name currently appears.”

Response: The Department agrees that this language adds clarity and has made the corresponding change to the form.

If any additional comments are received, they will be considered and incorporated where

appropriate.

9. Payment or Gift to Claimants - EOIR does not provide any payment or gifts to parties in immigration proceedings or their attorneys or representatives, including recognized organizations.

10. Assurance of Confidentiality - EOIR's Recognition and Accreditation Coordinator maintains the original application. Those EOIR staff members processing the application may access the Form EOIR-31. EOIR protects the confidentiality of the contents of the Form EOIR-31, to the extent permitted by law, including the Privacy Act and the Freedom of Information Act.

11. Justification for Sensitive Questions - There are no questions of a sensitive nature in the Form EOIR-31.

12. Estimate of Hour Burden

New Recognition

a. Number of Respondents	131
b. Number of Responses per Respondent	1
c. Total Annual responses	131
d. Hours per response	2
e. Total annual hourly reporting burden	262

The total annual reporting burden is derived by multiplying the number of respondents

(131) by the frequency of response (1) by the number of hours per response (2 hours):
131 respondents x 1 response per respondent x 2 hours per respondent = 262 burden hours.

Renewal of Recognition

a. Number of Respondents	190
b. Number of Responses per Respondent	1
c. Total Annual responses	190
d. Hours per response	7
e. Total annual hourly reporting burden	1,330

The total annual reporting burden is derived by multiplying the number of respondents (190) by the frequency of response (1) by the number of hours per response (7 hours):
190 respondents x 1 response per respondent x 7 hour per respondent = 1,330 burden hours.

13. Estimate of Cost Burden

There are no capital or start-up costs associated with this information collection. The estimated public cost is zero.

For informational purposes only, there may be additional costs to respondents.

Respondents may incur a cost if they hire a private practitioner to assist them with completing the Form EOIR-31. The Bureau of Labor Statistics reports that the median hourly wage for lawyers is \$61.54. The estimated public cost is a maximum of \$97,971. This amount is reached by multiplying 1,592 (new+renewal) burden hours by \$61.54 (the

current median hourly wage for attorneys. For those respondents who proceed without a practitioner, there is an estimated cost of \$10 per hour for completing the form (the individuals' time and supplies) in lieu of the practitioner cost. There are also no fees associated with filing the Form EOIR-31.

14. Estimated Cost to Federal Government - It is estimated that the annual government cost for printing, distributing, stocking, processing and maintaining the Form EOIR-31 is \$4,315 (new+renewal).

15. Reason for Change in Burden – There is an increase in the burden due to an increase in the number of respondents annually.

16. Plans for Publication - The information from this collection is used internally to process the applications for recognition.

17. Exceptions to Certification Statement - EOIR does not request an exception to the certification of this information collection.

Section B. Collection of Information Employing Statistical Methods

This collection does not employ statistical methods.

PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with, including paperwork regulations, any applicable statistical standards or directives, and any other information policy directives promulgated under 5 C.F.R. § 1320.

Christina Baptista
Senior Counsel for Immigration
Executive Office for Immigration Review

11/07/2022

Date