



**U.S. Department of Justice**  
Executive Office for Immigration Review  
*Office of the Director*  
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# FACT SHEET

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October 2, 2009 (Revised)

## Who Can Represent Aliens in Immigration Proceedings

*Attorneys, Recognized Organizations, Accredited Representatives, Other Qualified Representatives, and Free Legal Services Providers*

*This fact sheet provides basic information on who can represent aliens in immigration proceedings. It is intended for general informational purposes only and is not a substitute for legal advice, nor does it constitute any legal opinion by the Department of Justice. This fact sheet is not fully inclusive, does not address all applicable laws and case interpretation, and may be subject to change as new laws and regulations are enacted.*

The Executive Office for Immigration Review (EOIR) conducts administrative hearings to determine whether aliens — who are charged by the Department of Homeland Security (DHS) with violating immigration law — should be ordered removed from the United States or should be granted relief from removal to remain in the country. Aliens in immigration proceedings — before EOIR's immigration courts or its appellate component, the Board of Immigration Appeals (BIA) — may seek legal representation at their own expense; the government cannot provide legal representation.

Federal regulations ([8 C.F.R. § 1292.1](#)) specify who can represent aliens in immigration proceedings. The sections that follow below explain, by category, who can represent aliens in immigration proceedings — attorneys, recognized organizations, accredited representatives, other qualified representatives, and free legal services providers. **No one else can represent aliens in immigration proceedings.**

**“Notarios,” visa consultants, and immigration consultants cannot represent aliens in immigration proceedings.**

To appear before an immigration court, all representatives must file a Form [EOIR-28](#). To appear before the BIA, all representatives must file a Form [EOIR-27](#). (EOIR forms can be downloaded from EOIR's website at (<http://www.usdoj.gov/eoir/formslist.htm>.)

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### **Attorneys**

Aliens may hire a licensed attorney to represent them in immigration proceedings. The attorney must be eligible to practice law and be a member in good standing of the bar of the highest court of any state, possession, territory, or commonwealth of the United States, or the District of Columbia. Attorneys may charge or accept a fee.

### **Recognized Organizations**

Aliens may obtain representation from a non-profit, religious, charitable, social service, or similar organization that is established in the United States and is officially recognized by EOIR's BIA. Organizations that are officially recognized appear on the roster listing maintained by the BIA. Recognized organizations may charge or accept only nominal fees.

To be recognized, organizations must apply for recognition with the BIA. To apply, organizations must:

- Complete a Form [EOIR-31](#) to establish that they have adequate knowledge and experience to provide immigration services;
- Send a copy of the completed Form [EOIR-31](#) to two DHS officials:
  - The local (in the applicant's geographical area) District Director for U.S. Citizenship and Immigration Services, and
  - The local Chief Counsel for Immigration and Customs Enforcement;
- Mail the original form, all supplementary documents, and proof that a copy has been sent to the two local DHS officials, to EOIR's Recognition and Accreditation Program Coordinator.
  - To send by courier or overnight delivery service:

Recognition and Accreditation Program Coordinator  
Executive Office for Immigration Review  
Board of Immigration Appeals  
Clerk's Office  
5107 Leesburg Pike, Suite 2000  
Falls Church, VA 22041
  - To mail by regular first class mail:

Recognition and Accreditation Program Coordinator  
Executive Office for Immigration Review  
Board of Immigration Appeals  
Clerk's Office  
P.O. Box 8530  
Falls Church, VA 22041

The Recognition and Accreditation Coordinator's telephone number is (703) 305-9029.

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Both local DHS officials will submit recommendations and reasons for approval or disapproval to EOIR within 30 days. DHS will send a copy of the recommendations to the organization applying for recognition. If DHS recommends against approval, the organization may file a response with the BIA within 30 days.

The BIA will consider the DHS recommendations and the organization's responses, if any. The BIA will decide whether to grant recognition, deny the application, or seek more information from either the organization or DHS.

Following approval by the BIA, the organization must notify the Recognition and Accreditation Program Coordinator of any changes in the organization's name or address.

While an organization's recognition does not have to be renewed, the BIA may withdraw recognition at any time if the organization fails to meet the requirements for recognition.

### **Accredited Representatives**

Aliens may be represented by an accredited representative. Accredited representatives are granted accreditation by the BIA. To be granted BIA accreditation, accredited representatives must be affiliated with an organization that has been recognized by the BIA. Accredited representatives may charge or accept a nominal fee set by their recognized organization.

The BIA maintains alphabetical rosters of all recognized organizations and their accredited representatives.

To apply for accreditation for its representatives, a recognized organization must submit a letter for each representative to the BIA. The letter must:

- State the nature and extent of the proposed representative's experience and knowledge of immigration and naturalization law and procedure;
- Address the good moral character requirement regarding the representative;
- Explain the type of work the representative will be doing;
- Indicate whether "full" or "partial" accreditation is requested ("Full" accreditation allows the representative to represent the alien before DHS, the immigration courts, and the BIA. "Partial" accreditation allows the representative to represent the alien only before DHS.); and
- Specify each recognized branch of the organization where the representative will provide services.

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Accreditation does not transfer to another organization. Once the BIA grants accreditation, the recognized organization is responsible for notifying EOIR's Recognition and Accreditation Program Coordinator of any changes regarding the representative's affiliation with the organization.

The BIA's accreditation of a representative expires:

- Every 3 years, but can be renewed through an application submitted by the representative's recognized organization. (If an application for renewal is filed at least 60 days before the end of the third year, accreditation will remain valid pending the BIA's consideration of the application.)
- When the BIA's recognition of the affiliated organization ceases, or when the representative's employment or the connection with the organization ends.

### **Other Qualified Representatives**

In addition to attorneys and accredited representatives, "other qualified representatives" may represent aliens in immigration court. However, they must apply and receive permission from the immigration judge to represent aliens in immigration court. Also, they must work without pay; they cannot charge or accept a fee.

"Other qualified representatives" may be any of the following persons who meet the conditions specified in the regulations:

- Law students and law graduates of accredited U.S. law schools not yet admitted to the bar but working under the supervision of an attorney;
- Reputable individuals of good moral character who have a personal or professional relationship with the represented alien (e.g., relative, neighbor, clergy, co-worker, or friend) and who are appearing without direct or indirect payment; or
- An accredited official of the government to which the represented alien owes allegiance (e.g., a consular officer).

To apply to serve as an "other qualified representative," persons should file a written statement with the respective immigration court attesting that they meet the criteria specified in the regulations ([8 C.F.R. § 1292.1](#)). They also must file the form required of all representatives, a "Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court" (Form EOIR-28).

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### **Free Legal Services Providers**

EOIR's Office of the Chief Immigration Judge (OCIJ) maintains a current list of [free legal services providers](#) who meet the qualifications specified in the regulations. This list is updated quarterly and is provided to aliens in immigration proceedings. It is also available on EOIR's website.

Providers seeking to be included on the list of free legal services providers must meet the qualifications specified in the regulations ([8 C.F.R. § 1003.62](#)). The application process ([8 C.F.R. § 1003.63](#)) is also described online on EOIR's website ([www.usdoj.gov/eoir/probono/GetonList.htm](http://www.usdoj.gov/eoir/probono/GetonList.htm)).

Attorneys seeking to be listed must:

- Declare that they provide free legal services to indigent aliens and are willing to represent indigent aliens pro bono, as required in the regulations;
- Indicate whether they will represent aliens in immigration proceedings;
- Specify locations where they will provide pro bono legal services; and
- Declare that they are not under any court order suspending, disbarring, or otherwise restricting them in the practice of law.

Organizations and attorneys on the list must notify OClJ in writing within 10 business days of any change of address, telephone number, or change in professional or qualifying status.

When organizations and attorneys voluntarily seek to have their name removed from the list, they must contact the Deputy Chief Counsel to the Chief Immigration Judge at the address listed in the [application process](#).

The Chief Immigration Judge has the authority to remove any organization which, or attorney who, no longer meets the regulatory requirements. The procedure for removing an organization or attorney is described in the regulations ([8 C.F.R. § 1003.65\(a\)](#)).

— EOIR —

*The Executive Office for Immigration Review (EOIR) is an agency within the Department of Justice. Under delegated authority from the Attorney General, immigration judges and the Board of Immigration Appeals interpret and adjudicate immigration cases according to United States immigration laws. EOIR's immigration judges conduct administrative court proceedings in immigration courts located throughout the nation. They determine whether foreign-born individuals — who are charged by the Department of Homeland Security (DHS) with violating immigration law — should be ordered removed from the United States or should be granted relief from removal and be permitted to remain in this country. The Board of Immigration Appeals primarily reviews appeals of decisions by immigration judges. EOIR's Office of the Chief Administrative Hearing Officer adjudicates immigration-related employment cases. EOIR is committed to ensuring fairness in all of the cases it adjudicates.*