

**Board of Immigration Appeals**

**Frequently Asked Questions (FAQs)**

**about the**

**Recognition and Accreditation (R&A)**  
**Program**



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These Frequently Asked Questions (FAQs) are being provided as a public service and do not constitute legal advice or supersede statute, regulations, or case law.

The BIA welcomes suggestions and encourages the public to provide comments on these FAQs. If you have recommendations to improve these FAQs, please contact the Recognition and Accreditation Program Coordinator.

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*Updated: May 8, 2015*

## **FREQUENTLY ASKED QUESTIONS FOR ORGANIZATIONS APPLYING FOR RECOGNITION OF ORGANIZATIONS AND ACCREDITATION OF INDIVIDUALS**

### **I CAN'T AFFORD AN ATTORNEY. CAN AN ACCREDITED REPRESENTATIVE OR RECOGNIZED ORGANIZATION HELP ME?**

#### **G1. What is an accredited representative?**

A representative is "accredited" when the Board of Immigration Appeals (BIA) gives permission to a specially qualified non-lawyer to represent aliens on behalf of a recognized organization. The BIA will accredit non-lawyers *only* when they work for a recognized organization and will never accredit a non-lawyer who tries to practice immigration law on his or her own.

There are two kinds of accreditation: "partial" and "full." A partially accredited representative may represent aliens before *DHS only*. A fully accredited representative may represent aliens before both the *Department of Homeland Security (DHS)* and the *Executive Office for Review (EOIR)* (the immigration courts and the BIA).

#### **G2. What is a recognized organization?**

An organization is "recognized" when the BIA gives a non-profit organization in the United States permission to practice immigration law before either DHS and/or EOIR, which includes the immigration courts and the BIA. By regulation, a non-profit religious, charitable, social service, or similar organization established in the United States that has been approved for recognition is called a recognized organization.

#### **G3. How do I find a recognized organization and accredited representatives?**

Recognized organizations and accredited representatives are listed alphabetically on lists (called "rosters") maintained by the BIA. The [rosters](#) include the current names and addresses of the organizations and representatives, and identify the type of accreditation. You can also search the rosters by state. You can find the rosters at: <http://www.justice.gov/eoir/ra.htm>

#### **G4. How often are the rosters updated?**

The rosters are updated weekly. For the most recent information, contact the Recognition and Accreditation (R&A) Program Coordinator at (703) 305-9029.

#### **G5. How can I tell if someone is an accredited representative? Does the BIA issue ID cards to accredited representatives?**

The BIA does not issue ID cards to accredited representatives, but you can see if the name of the representative and/or the organization is listed on the BIA's rosters (available on the EOIR [website](#)). The BIA's order approving accreditation also shows the name of the representative's organization, the date accreditation was approved, and whether the representative has partial (DHS only) or full (DHS and immigration court) accreditation. The rosters also show when the representative's accreditation will expire.

**G6. What if I still have questions about the recognition and accreditation process?**

Contact the BIA's Recognition and Accreditation (R&A) Program Coordinator.

Phone: 703-305-9029

Email: Recognition.Accreditation@EOIR.USDOJ.GOV

Mail: R&A Program Coordinator  
BIA of Immigration Appeals  
Clerk's Office  
5107 Leesburg Pike, Suite 2000  
Falls Church, VA 20530

Website: <http://www.justice.gov/eoir/ra.htm>

**G7. How can I protect myself from unauthorized practitioners?**

Read the flyer "Read This Before You Take Immigration Advice" at:  
<http://www.justice.gov/eoir/UPILFlyer06222011.pdf>.

**G8. How can I protect myself from fraud?**

Read "How to Protect Yourself from Immigration Fraud" at:  
<http://www.justice.gov/eoir/NotariosNoticeProtections.htm>.

## I HAVE QUESTIONS ON RECOGNITION FORM EOIR-31

U.S. Department of Justice  
Executive Office for Immigration Review

OMB# 1125-0012

Request for Recognition of a Non-Profit Religious,  
Charitable, Social Service, or Similar Organization

### INSTRUCTIONS

#### PREPARATION OF APPLICATION:

To apply for Recognition of a Non-Profit Religious, Charitable, Social Service, or Similar Organization under 8 C.F.R. § 1292, you must fully and accurately answer all questions on the attached Form EOIR-31. This form must be signed and submitted by an officer or individual authorized to act for the organization. A separate Form EOIR-31 must be filed for each branch office of an organization seeking recognition. In the event of a merger or consolidation of two organizations where one or both have already been individually accorded recognition, the newly created organization must file a new application for recognition (Form EOIR-31). Your responses must be typed or printed legibly in ink. Do not leave any questions unanswered or blank. As much as possible answer all questions directly on the form. If there is no room to respond fully to a question, please continue your response on an additional sheet of paper. Please indicate the number of the question being answered next to your response on the additional sheet of paper. For more information on applying for recognition, see the EOIR website at: <http://www.justice.gov/eoir/ra.htm>.

#### SUPPORTING DOCUMENTS:

You should submit documentary evidence to establish your organization's eligibility for recognition. Failure to submit all supporting documentation may result in the denial of your application.

#### RECOGNITION IS NOT ACCREDITATION:

Recognition, if granted, does not provide automatic accreditation to the organization's employees or associates. A recognized organization may seek from the Board of Immigration Appeals (BIA) accreditation of particular employees or associates, who are not licensed attorneys, by requesting either full accreditation (allowing appearances before the Department of Homeland Security, Immigration Courts, and the BIA) or partial accreditation (allowing appearances before DHS only) for such persons. There is an Optional Form EOIR-31A to apply for accreditation, or an organization may request accreditation on organizational letterhead, supported by documentary evidence, establishing that each proposed representative is of good moral character and meets the requirements of 8 C.F.R. § 1292.2(d). Accreditation may be requested simultaneously with or subsequent to the filing of this recognition application (Form EOIR-31). We caution that failure to demonstrate availability of staff with adequate knowledge and experience in immigration law and procedure may result in the disapproval of the recognition application.

Please indicate on this form whether a simultaneous request for accreditation of an individual is being submitted. If so, please list the name of the proposed representative and the type of accreditation being sought (full or partial). The request for accreditation should include the following supporting documents: resume and certificates of training, letters of recommendation and evidence of advocacy and research skills (if seeking full accreditation).

#### WHERE TO FILE:

This application and all supporting documents must be filed with the Board of Immigration Appeals (BIA).

R&A Coordinator  
Board of Immigration Appeals  
Office of the Chief Clerk  
5107 Leesburg Pike, Suite 2000  
Falls Church, VA 22050

#### PROOF OF SERVICE:

A complete copy of this application and any request for accreditation as well as all supporting documents must be served on the District Director for U.S. Citizenship and Immigration Services (USCIS) of DHS and the Chief Counsel for Immigration and Customs Enforcement (ICE) of DHS in the jurisdiction where the organization is located. To identify the appropriate DHS offices, consult the USCIS website at <http://www.uscis.gov/about-us/find-uscis-office> and the ICE website at <http://www.ice.gov/contact/opla/>.

Form EOIR-31  
Rev. Oct. 2014

See  
question  
R23

See  
questions  
R24, R25

## I HAVE QUESTIONS ON RECOGNITION FORM EOIR-31

U.S. Department of Justice  
Executive Office for Immigration Review

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

For Official Use Only: \_\_\_\_\_ Date Received (mm/dd/yyyy) \_\_\_\_\_

1. \_\_\_\_\_ requests recognition pursuant to 8 C.F.R. § 1292.2(a) and (b) so that it may apply for accreditation of persons of good moral character to represent others in immigration proceedings before the immigration courts and the Board of Immigration Appeals (BIA) of the Executive Office for Immigration Review (EOIR) and/or the U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS).

2. Organization's Address: \_\_\_\_\_  
(Number and Street (Do not use P.O. Box))  
 \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_  
 Email Address \_\_\_\_\_

3. By signing this form, you certify that the organization is a non-profit religious, charitable, social service, or other (specify: \_\_\_\_\_) organization established in the United States. Attach proof of the organization's non-profit status, and if applicable, provide a brief, detailed statement of the organization's relationship to its parent organization.

4. If the organization is chartered, attach a copy of the Charter, Constitution, Articles of Incorporation, and/or By-laws.

5. What charges or membership dues, if any, are charged to clients? \_\_\_\_\_ Attach a fee schedule, if applicable, with a list of services, specifying the full range of charges and explaining when charges are reduced or waived. Also provide a detailed statement of the organization's sources and amounts of funding other than dues or fees.

6. Attach a detailed statement regarding the knowledge, information, and experience in immigration and nationality law and procedure available to the organization. Also attach a list of library and/or internet resources.

7. Provide a description of the specific immigration legal services the organization will provide.

8. Resumes and any immigration training certificates for staff members should be attached. A description and/or diagram of the organizational structure of the organization should be included, that shows the supervision of staff members. Any supervision or assistance provided by attorneys should be documented, including proof of the immigration practice experience of the attorneys. Any arrangement to consult with other recognized organizations or attorneys should be documented.

9. Indicate whether an accreditation request is being made at this time. ☒ Yes ☐ No  
 If you answered yes, you must answer the following questions:  
 (a) Provide the name of the proposed representative: \_\_\_\_\_  
 (b) Indicate the type of accreditation sought for this individual: ☒ Partial ☐ Full  
(Attach a separate sheet if more than one accreditation request is being made).

**SIGN HERE** ☒ \_\_\_\_\_  
Type in print: Name and title of authorized official of organization

**you must complete the Proof of Service on the reverse.**

See questions R1, R17, R20

See question R22

See question R22

See question R4

See questions R5, R6, R7

See questions R9, R11, R16

See question R32

See questions R10, R12, R13, R14, R21

See questions R30, A1, A2, A4, A7, A8, A18, A19

See question R18

Form EOIR-31  
Rev. October 2014

## I HAVE QUESTIONS ON RECOGNITION FORM EOIR-31

See questions  
R24, R25

<b>PROOF OF SERVICE</b> (You Must Complete Both)	
<p>I, _____ (Print Name)</p> <p>mailed or delivered a copy of this Form EOIR-31 and its attachments to the District Director for USCIS of DHS on: _____ (Date - mm/dd/yyyy)</p> <p>At: _____ (Number and Street)</p> <p>_____ (City, State, ZIP Code)</p> <p><input type="checkbox"/> SIGN HERE <input checked="" type="checkbox"/> X</p>	<p>I, _____ (Print Name)</p> <p>mailed or delivered a copy of this Form EOIR-31 and its attachments to the Chief Counsel for ICE of DHS on: _____ (Date - mm/dd/yyyy)</p> <p>At: _____ (Number and Street)</p> <p>_____ (City, State, ZIP Code)</p> <p><input type="checkbox"/> SIGN HERE <input checked="" type="checkbox"/> X</p>
<b>HAVE YOU SUBMITTED?</b>	
<ul style="list-style-type: none"> <li><input type="checkbox"/> Completed Form EOIR-31, including proof of service</li> <li><input type="checkbox"/> Proof of nonprofit status (IRS documents)</li> <li><input type="checkbox"/> Copy of Charter, Constitution, By-Laws and/or Articles of Incorporation</li> <li><input type="checkbox"/> Fee schedule for all immigration services provided and membership dues, if applicable</li> <li><input type="checkbox"/> List of law library contents and/or online resources</li> <li><input type="checkbox"/> Funding sources and budget</li> <li><input type="checkbox"/> Organizational chart and a description of the specific immigration legal services the organization will provide</li> <li><input type="checkbox"/> Staff resumes, certificates of training, letters of recommendation and evidence of advocacy and research skills</li> <li><input type="checkbox"/> Requests for accreditation with supporting documentation, if applicable</li> <li><input type="checkbox"/> Written confirmation of any agreement(s) made to consult with other nonprofit organization(s) or private attorney(s) on a pro bono basis in more complicated cases or other acceptable arrangements to demonstrate adequate knowledge and experience in immigration law and procedure. <i>Matter of EAC, Inc. (Recognition)</i> 24 I&amp;N Dec 556 (BIA 2008)</li> <li><input type="checkbox"/> Copy of BIA decision on prior recognition application, if applicable</li> </ul>	
<p>For more information about applying for recognition, visit the EOIR website at <a href="http://www.justice.gov/eoir31">http://www.justice.gov/eoir31</a>.</p>	
<p>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. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to review the form, gather necessary materials, complete the form, and assemble the attachments is 2 hours. If you have comments regarding the accuracy of this estimate, or any other aspect of this collection of information, including suggestions reducing this burden, you may write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22040.</p>	
<p>The information is authorized by 8 U.S.C. §§ 1103, 1229a, 1262 and 8 C.F.R. 1292.2 in order to request recognition of a non-profit religious, charitable, social service or similar organization. The information you provide is mandatory and required to obtain recognition. Failure to provide the requested information may result in denial of your request. EOIR may share this information with others in accordance with approved routine uses described in BIA-002, <i>Notice of Organizations and their Accredited Representatives Recognized by the Board of Immigration Appeals</i>.</p>	
<p>Form EOIR-31 Rev October 2010</p>	



## **BACKGROUND**

### **R1. What is recognition?**

"Recognition" is when the Board of Immigration Appeals (BIA) gives a non-profit organization in the United States permission to practice immigration law before either the Department of Homeland Security (DHS) and/or the Executive Office for Review (EOIR), which includes the immigration courts and the BIA. By regulation, a non-profit religious, charitable, social service, or similar organization established in the United States that has been approved for recognition is called a recognized organization.

### **R2. Why should my organization seek recognition?**

Recognized organizations can help aliens apply for immigration benefits (including asylum, adjustment of status, and naturalization), represent them in immigration court, or assist them with appeals from immigration judge decisions.

Non-profit status, by itself, is not enough to qualify your organization to represent aliens before DHS or EOIR. If your organization wants to assist indigent or low income aliens, and you do not have a licensed attorney on staff, your organization must apply for recognition.

If your non-profit organization wishes to help indigent or low income aliens, recognition helps these aliens find your organization. The BIA lists recognized organizations on the EOIR [website](#), and aliens looking for trustworthy free or low cost services consult that listing to locate recognized organizations.

## **REQUIREMENTS**

### **FEES, FUNDING & FINANCES**

#### **R3. How does my organization show its non-profit status?**

Generally, your organization provides either a determination letter from the Internal Revenue Service approving section 501(C)(3) status or other tax records showing its non-profit status. Your organization should make sure that the certification of non-profit status reflects the name of the organization or clearly explains the relationship between the organization and its nonprofit status.

#### **R4. How does my organization demonstrate its religious, charitable, or social service mission?**

Your organization should submit documents such as its charter, by-laws, or articles of incorporation, organization, or association to show it's religious, charitable, or social service mission.

While there is no one specific document required by the BIA, your organization may want to provide letters of recommendation from community members, particularly letters showing the organization's involvement and commitment to the community it serves and the quality of its services.

## **R5. What are nominal fees or charges?**

“Nominal” is not defined by a specific dollar amount, but refers to a small quantity. As a rule of thumb, fees should be consistent with what low income immigrants served by the organization can afford to pay.

## **R6. How can my organization show its charges for legal services are nominal?**

Each organization and community is different, and the BIA considers each organization’s fees in the context of its own circumstances, such as where you are located and what you do. You can help the BIA understand your fee schedule by telling us what each fee is and what it includes. If your organization does not charge fees, you should clearly indicate that. Provide a detailed list of the services included with each fee. For example,

- When does the organization waive fees and which ones?
- Does the organization reduce fees for additional family members or limit the total charge per family?
- Does the fee include the USCIS filing fee or a fee waiver request?
- Does the organization charge separately for attending USCIS interviews?
- Does the fee include translations of accompanying documents or is translation of documents a separate fee? If the fee schedule reflects a charge per page for translation of documents, is there a maximum charge?

If your organization does not charge a fee for certain services, you should say which are free and which are not. Therefore, it is helpful to provide as much information as possible to help the BIA determine whether the organization makes nominal charges. The Board last addressed nominal charges in *Matter of Ayuda*, 26 I&N Dec. 449 (BIA 2014).

## **R7. Are financial records needed to show my organization’s funding?**

Yes. The organization should provide its budget, sources of funding or financial support, and a list of fees. Financial records help the BIA understand how your organization is funded.

To be clear, your organization is not expected to submit all of its financial records. However, you should include sufficient information to show your organization is not dependent on fees or membership dues. Similarly, documentation identifying sources of income from fees, grants, donations, or other sources - as well as the organization’s operating expenses - are helpful to explain how the organization functions. An annual report, operating budget for the past and current fiscal year and audits are financial records frequently submitted with a recognition application.



## **STAFFING & REPRESENTATIVES**

### **R8. Does the BIA provide training for organizations and non-attorneys to assist them in qualifying for recognition or accreditation?**

No, but immigration legal training is available through a variety of sources, such as state bar associations, law schools, national non-profit networks, and recognized organizations.

### **R9. What is adequate knowledge and why does my organization need to show experience in immigration law and procedure?**

Practically speaking, an organization has adequate knowledge when it can represent its clients effectively. When aliens come to an organization, the organization needs to have at least one person available who is authorized to represent aliens and who can identify a wide range of legal immigration issues and provide knowledgeable legal advice. The organization's staff must know when to seek further legal guidance or when necessary, to refer the case elsewhere.

An accreditation application can be submitted concurrently with the recognition application.

### **R10. How does my organization show our staff has adequate knowledge?**

There is no particular documentation required to show adequate knowledge, but your organization can show the knowledge of its staff through detailed resumes, documentation of training, and letters of recommendation.

- *Resumes of staff* – Resumes provide the background of your organization's staff. Resumes, and any attachments, should include educational instruction and degrees, dates and descriptions of relevant employment, volunteer work, awards, and other pertinent information, such as bar memberships for licensed attorneys. This information gives the BIA a better picture of your organization's in-house expertise.

- *Training* – Knowledge is also shown through a list with dates and descriptions of relevant training such as conferences, continuing legal education (CLE) courses attended, webinars, and personalized instruction. Certificates of completion and the programs or syllabi of topics covered are especially helpful and highly recommended.

- *Letters of recommendation* – The BIA values supporting letters from persons and institutions who can describe *with particularity* the immigration knowledge of the organization's staff and how the author of the letter knows the staff member and his or her expertise. Letters should also speak to the staff's comprehension of immigration law and procedure.

**R11. What kind of experience does my organization need to be eligible for recognition?**

While there is no experience specifically required to qualify for recognition, your organization's staff must be capable of providing knowledgeable immigration representation. Staff members should have some measure of meaningful supervised experience, such as hands-on training assisting aliens with the completion of immigration forms, interviewing aliens, or assisting accredited representatives or attorneys in cases before the immigration court.

Where an organization's staff has knowledge of immigration law and procedure, but not necessarily experience in certain areas, the organization should indicate what outside guidance it has available. For example, an organization without an attorney on staff should enter into a formal written agreement with another recognized organization, an attorney, or a national non-profit network for technical advice to ensure that the organization can provide knowledgeable legal advice.

If the applicant organization will use outside expertise to supplement its staff members' knowledge or experience of immigration law and procedure, provide copies of agreements with your application.

**R12. Must my organization have an attorney on staff in order to be recognized?**

No. To be recognized, your organization is not required to have an attorney on staff. Still, as a practical matter, organizations with licensed attorneys in good standing on staff will likely meet the required knowledge, information, and experience in immigration law and procedure for recognition.

**R13. Can we be recognized if we have an attorney on staff but no accredited representative?**

The purpose of recognition is to allow organizations to provide legal representation to low income or indigent aliens through non-attorneys when there are no attorneys on staff. Recognition allows the organization to apply for the accreditation of non-attorney staff.

**R14. What does staff supervision have to do with adequate knowledge?**

When the organization shows it has licensed attorneys or fully accredited representatives on staff who can provide technical guidance and oversight to other staff members, the BIA is more confident that the organization will provide knowledgeable representation. Having an attorney or experienced accredited representative on staff is valuable to the organization because it is often sufficient to meet the adequate knowledge and experience requirement for recognition.

If the organization only has a partially accredited representative on staff, the organization must have access to other practitioners with greater expertise, such as (i) an attorney or (ii) another organization with an attorney or fully accredited representative on staff.

To show it reliably serves its clients' interests, an organization with only partially accredited representatives should provide any agreements for consultation or referral with other organizations that have an attorney or fully accredited representative, or with a local immigration attorney. Give specific details of agreements to provide technical guidance, and identify any fees charged for the assistance.

**R15. What is the difference between adequate knowledge for recognition and the broad knowledge of immigration law and procedure required for accreditation?**

Immigration is a complex field of law. To qualify for recognition, your organization must show that it has the ability to identify all immigration issues, not just those the organization specializes in. Your organization needs to show it has a process to either handle the case itself, seek guidance, or have an arrangement to refer the case elsewhere when necessary. Organizations are expected to provide the bulk of immigration legal services to their clients. Therefore, the organization needs to show it has the knowledge it needs to provide effective immigration assistance to the alien population it serves.

Relatedly, but separately, the organization must show that each accredited representative has broad knowledge of the immigration laws, even if the representative provides only limited services. If an immigration practitioner specializes too narrowly and does not have a broad familiarity with immigration law, the practitioner risks giving the aliens poor advice. Simply put, each accredited representative need not have knowledge and experience in all immigration matters, because to be recognized the organization must have either staff who can handle all issues or a documented arrangement to get guidance for issues its staff cannot handle.

## **RESOURCES**

**R16. What law resources must be available to my organization to qualify for recognition?**

An organization must have access to immigration law and practice information to represent aliens effectively. Your organization should describe specifically what immigration law and practice resources you have immediate access to, including a law library, internet, and other legal sources.

- *Basic resources* – The BIA expects the organization to have immediate access to the Immigration and Nationality Act, the Code of Federal Regulations (title 8, in particular), and BIA precedent decisions.

- *Advanced sources* – Basic resources, standing alone, are not sufficient, and advanced sources must also be identified in the application. For example, the organization could have immediate access to an extensive immigration law library or have a research sharing arrangement with a recognized organization or law firm. It also might have a formal arrangement to consult with a licensed attorney or other accredited representatives. The BIA does not dictate which advanced information sources are needed (or how organizations should have access to them), but the application must persuade the BIA that the organization has all the tools that it needs to represent aliens properly.

## **APPLICATION**

### **R17. How can my nonprofit organization become recognized?**

An interested non-profit organization must apply to the BIA for recognition and be approved.

To apply for recognition, your organization must file a "Request for Recognition of a Non-Profit Religious, Charitable, Social Service or Similar Organization" (Form EOIR-31, replacing the Form G-27). The Form EOIR-31 is available on the EOIR website at: <http://www.justice.gov/eoir/eoirforms/eoir31.pdf>. The EOIR-31 form provides instructions including what should accompany the form and where to file it.

### **R18. Who can apply for recognition on behalf of my organization?**

The recognition application must be filed by an individual who is authorized to act on behalf of the organization, such as the executive director, chief executive officer, or president.

### **R19. Is there a fee to apply for recognition?**

No.

### **R20. What does the BIA look for in a recognition application?**

The BIA understands that every organization is different and that organizations may have very different types of staffing and supervision. Still, all organizations have to meet the regulatory and case law requirements for recognition. The BIA reviews the recognition application to determine whether the organization meets the necessary criteria, such as non-profit status, the ability to provide adequate legal representation, and nominal fees.

For more in depth information on requirements, an organization should consult federal regulations (particularly 8 C.F.R. § 1292.2) and pertinent BIA precedent decisions, which are listed on the R&A Program webpage: <http://www.justice.gov/eoir/ra.htm>

### **R21. Does the BIA require an organizational chart?**

No, but it can be difficult to approve your application without one. Organizational charts are extremely helpful to the BIA because they show the cumulative knowledge and experience the organization has at its disposal. An organization should provide a chart showing the number of staff, position titles, and its supervisory structure. A chart may show oversight of work product by staff with more experience. When an organization describes how it provides in-depth guidance to its staff, it demonstrates the capacity to adequately represent the population it serves.

### **R22. My organization has different office locations where legal services are provided. Does my organization need to apply for recognition at each location?**

Yes. Each recognized location must independently meet the requirements for recognition. If your organization provides immigration services at separate locations, the organization should submit separate applications (with all supporting documentation) for each branch.

**R23. My organization's application for recognition and supporting documentation is complete. Where do I send it?**

Send your complete original application and supporting documentation *with proof of service* to the R&A Program Coordinator at the BIA (whose address is available on the recognition application form and EOIR website). Remember: if you do not include a proof of service of exact copies to the local DHS offices of ICE and USCIS, your application is not considered complete.

**R24. What is Proof of Service?**

In this context, a "proof of service" (or a "certificate of service") is an organization's formal guarantee to the BIA that it has sent an exact copy of its filing to the appropriate offices of DHS. DHS has the same obligation to the organization when it files something with the BIA in response to the organization's application.

Every filing – whether an application, document, recommendation, extension request, response to a recommendation, or other formal submission – must clearly contain a Proof of Service.

The recognition application, Form EOIR-31, contains a sample Proof of Service on the back of the form, which is available on-line at: <http://www.justice.gov/eoir/eoirforms/eoir31.pdf>.

**R25. To which DHS offices do I need to send copies of the recognition application or accreditation request?**

Your organization needs to send its documents to two DHS offices: the appropriate District Director for U.S. Citizenship and Immigration Services (USCIS) and the appropriate Chief Counsel for U.S. Immigration Customs Enforcement (ICE). These would be DHS offices that have jurisdiction over the area where your organization is located. To identify the appropriate DHS offices, you should consult the USCIS and ICE websites or a local DHS office.

**R26. How long does it take to decide a recognition application?**

Times vary because each application is different. However, the standard processing time for the BIA to make a decision on the application is within 3 months of it becoming complete - in other words, after all documents have been submitted by both the organization and DHS.

**R27. What prolongs or delays the processing of an application?**

The most common reasons why processing times lengthen are:

- a missing Proof of Service for one or both local offices of DHS
- extension requests by DHS (USCIS and/or ICE) to respond to the application
- extension requests by the organization to respond to a DHS unfavorable recommendation
- piecemeal applications (in other words, the organization submits some but not all of the documents and mails the rest in after the fact)

- not stating clearly what kind of accreditation (full or partial) is being sought

**R28. Once the BIA receives my application, how long does it take DHS to respond? Can I ask for an extension of time to respond to DHS?**

When an application is filed, the BIA gives DHS a 30-day deadline to review it and respond with a recommendation. Sometimes DHS requests an extension. In turn, if DHS gives an unfavorable recommendation, the organization has 30 days to respond and may ask for an extension. However, neither extension is automatic.

Until the BIA grants an extension, the existing deadline stands. As a general practice, when the BIA grants an extension, it is usually for no more than 30 days. Longer periods may be requested, but an extension request will not be granted unless the reason is persuasive.

**R29. If the BIA does not approve my application, can I submit more documents to fix it, or must I file a new application?**

The Board issues a written decision on each application for recognition. Your organization should submit a new application addressing the concerns in the BIA decision. You should include all of the material originally filed, along with any additional documentation, and the prior Board order denying the application. The BIA does not entertain motions in the R&A application process.

**R30. Can my organization request recognition for itself and accreditation for its representatives at the same time?**

Yes. In fact, your organization may need to request accreditation and recognition at the same time since it must show that there is staff with adequate knowledge and experience to meet its clients' needs for that location to be recognized.

While the application and the request(s) should be filed together, the best practice is to clearly separate the recognition application from the accreditation requests. If there are multiple proposed representatives, each representative should have his or her own packet (in case one is approvable and the other is not). Thus, if the organization submits a document to support the recognition application, and the same document supports the accreditation request, copy the document and include it with each accreditation request.

**R31. Can my organization apply to DHS or an immigration judge for recognition and accreditation?**

No. Only the BIA has the authority to approve applications for recognition and requests for accreditation of representatives.

**R32. Can an organization provide limited types of immigration services, such as VAWA applications or naturalization-related applications only?**

Yes, but all accredited representatives still must have a broad knowledge of immigration law and procedure, even if the organization provides only specialized or limited types of immigration services.

## **MAINTENANCE & RENEWAL**

### **R33. Once my organization is recognized, do I have to report changes to the BIA?**

Yes. Your organization *must* promptly report through formal correspondence any changes to its contact information (such as name, address, telephone number, fax number, and e-mail). The BIA also expects the organization to report any changes in staffing or structure. This is especially important if the organization no longer provides immigration services.

With respect to accredited representatives, the organization should report any changes to the names of its accredited representatives. The organization also needs to let the BIA know if an accredited representative leaves the organization. Remember: accreditation is permission for non-lawyers to represent aliens in immigration matters on behalf of your organization *only*.

### **R34. How do we inform the BIA of an address change? If my organization's address changes, do we have to reapply for recognition and accreditation?**

If it is only an address change, inform us of the change in writing, with Proof of Service on the appropriate District Director for U.S. Citizenship and Immigration Services and the appropriate Chief Counsel for U.S. Immigration Customs Enforcement. Changes of address, name changes, changes in structure, etc. should be reported promptly to the Recognition and Accreditation Coordinator at the BIA.

### **R35. Does recognition of my organization expire?**

No, recognition does not expire.

Since there is no expiration of recognition, an organization must let the BIA know when it no longer provides immigration services. This allows the BIA to update its roster and point aliens only to recognized organizations currently providing immigration services.

### **R36. Can my organization lose its recognition?**

Yes. The BIA may withdraw recognition of any organization that has failed to maintain the qualifications required for recognition. Also, by regulation, the DHS may conduct an investigation and ask the BIA to withdraw recognition.

When the BIA withdraws recognition, the organization loses its status as a recognized organization. The name of the organization and the names of any accredited representatives affiliated with the organization are removed from the rosters. The organization and its staff can no longer use the BIA R&A status in community outreach, to file forms, or to enter appearances before DHS or EOIR (using the Form G-28, EOIR-27, or EOIR-28). Claiming R&A status after recognition is withdrawn would be the unauthorized practice of immigration law.



**R37. What if I still have questions about the recognition process?**

Contact the BIA's Recognition and Accreditation (R&A) Program Coordinator.

Phone: 703-305-9029

Email: Recognition.Accreditation@EOIR.USDOJ.GOV

Mail: R&A Program Coordinator  
BIA of Immigration Appeals  
Clerk's Office  
5107 Leesburg Pike, Suite 2000  
Falls Church, VA 20530

Website: <http://www.justice.gov/eoir/ra.htm>

## I HAVE QUESTIONS ON ACCREDITATION OPTIONAL FORM EOIR-31A

U.S. Department of Justice  
Executive Office for Immigration Review

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

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**GENERAL INSTRUCTIONS**  
(Please read carefully before completing and filing Optional Form EOIR-31A)

**A. When to submit an Optional Form EOIR-31A:**

- Organizations are encouraged to use this form (Optional Form EOIR-31A) when applying for initial or renewal of accreditation for a representative to provide immigration legal services on behalf of its clients before the EOIR (i.e., the immigration courts and the Board of Immigration Appeals (BIA)) and the Department of Homeland Security (DHS), or before DHS only.
- An organization may apply for accreditation of a representative either at the same time that it applies for recognition using the Form EOIR-31 or after it has been granted recognition.
- A separate application for accreditation should be used for each proposed representative.

**B. Where to submit an Optional Form EOIR-31A:**

RIA Coordinator  
Board of Immigration Appeals  
Office of the Chief Clerk  
5107 Leesburg Pike, Suite 2000  
Falls Church, VA 22040

**C. How to apply for accreditation of a representative:**

Read all of these instructions. These itemized instructions correspond to the numbers on the Optional Form EOIR-31A.

- Item #1 - Provide the organization's complete name, including any names under which it is doing business, and contact information. Also, provide other names previously used by the organization to apply for recognition or accreditation. The organization must provide a street address. A post office box number is not acceptable.
- Item #1 - Only an organization simultaneously applying for recognition, or an organization that has already received recognition, may request accreditation for an individual. Check the appropriate box. If currently recognized, provide the date of recognition.
- Item #2 - Provide the name of the proposed representative and any other names this individual is known by or has ever been known by.
- Item #2 - List past and present accreditations for this individual, if applicable. Include the name of the recognized organization(s) for which accreditation was approved and the last date of approval. Attach additional sheets, if necessary.
- Item #3 - Check one type of accreditation (partial or full) sought for this individual. Partial accreditation authorizes a representative to appear on behalf of clients before DHS only. Full accreditation authorizes a representative to appear on behalf of clients before DHS, the immigration courts, and the BIA. Accreditation is valid for a period of 3 years from the date of approval and may be renewed.

**GENERAL INSTRUCTIONS (continued)**

Optional Form EOIR-31A  
October 2014

## I HAVE QUESTIONS ON ACCREDITATION OPTIONAL FORM EOIR-31A

See questions  
A33, A38, A39,  
A40, A41

### GENERAL INSTRUCTIONS (continued)

See  
question  
A22

- *Item #4* - Check the appropriate box if seeking to renew either full or partial accreditation at the same organization. Current accreditation will remain valid pending the BIA's decision on renewal of accreditation, provided the request for renewal is received by the BIA *at least* 60 days prior to the 3-year expiration date. Provide the date of last approval of accreditation, and attach a copy of the last approval order. Renewal of accreditation also requires documentation demonstrating continuing good moral character and immigration legal training since the date of last approval of accreditation.

See  
question  
A5

- *Item #4* - If seeking to change accreditation from partial to full or full to partial at the time of renewal, please be sure to indicate the *new* type of accreditation sought in *Item #3*. In *Item #4* indicate the *last* type of accreditation approved. If a proposed representative does not qualify for a change to full accreditation, the Board may approve the application for renewal of partial accreditation.

See  
questions  
A6, A13

- *Item #5* - Provide documentation, such as character reference letters from professionals in the community and background checks, to show this individual possesses good moral character.

See  
question  
A7

- *Item #5* - Provide documentation demonstrating this individual possesses a broad knowledge of immigration and nationality law, practice, and procedure. Include a resume and legal training information. Information regarding formal training courses should include (at a minimum) the title of the training, the provider's name, date(s) and duration of the training, the topics covered, and whether the training was attended in person or through other means. Provide certificates of completion and the results of any formal tests taken during training, if available.

See  
question  
A8

- *Item #5* - Eligibility for partial accreditation requires at least one formal training course designed to give new practitioners a solid overview of the fundamentals of immigration law and procedure. Additional training courses in specific topics of immigration law and/or practical experience is highly recommended.

See  
question  
A16

#### **D. Who must verify the contents of the form:**

- *Item #6* - An official of the applicant organization, who is authorized to act on behalf of the organization, such as the President or Executive Director, must sign and affirm that the form and its attachments are true, correct, and complete. An individual may *not* apply for accreditation for himself or herself, unless the individual is also an officer of the applicant organization.
- *Item #6* - The proposed representative also must attest to his or her good moral character and to the truthfulness and accuracy of the contents of the form and its attachments.

See  
questions  
A26, 27

#### **E. Who must be sent a copy of the form and its attachments:**

- *Item #7* - The organization must send an exact copy of the form and its attachments to two DHS offices: the District Director of the U.S. Citizenship and Immigration Services (USCIS) *and* the Chief Counsel for Immigration and Customs Enforcement (ICE).
- *Item #7* - Complete and sign the "proof of service." The proof of service is the organization's formal guarantee that copies of this form and its attachments have been sent to the appropriate DHS offices. Every filing – whether the recognition or accreditation application, additional supporting documents, or other submission to the BIA – must clearly contain a proof of service to the District Director of USCIS and the Chief Counsel of ICE in the jurisdiction where the organization is located. To identify the appropriate DHS offices, the organization should consult the USCIS website at <http://www.uscis.gov/about-us/find-uscis-office> and ICE website at <http://ice.gov/contact/opla> or a DHS office.

For more information about applying for accreditation, visit the EOIR website at: <http://www.justice.gov/eoir/ra.htm>

Optional Form EOIR-31A  
October 2014

# I HAVE QUESTIONS ON ACCREDITATION OPTIONAL FORM EOIR-31A

U.S. Department of Justice  
Executive Office for Immigration Review

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

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See questions  
A19, A16,  
A21

**1. Organization seeking accreditation of representative**

Name of organization \_\_\_\_\_

DBA \_\_\_\_\_ Name(s) previously applied under \_\_\_\_\_

Number and Street \_\_\_\_\_ State \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Website \_\_\_\_\_

Check one:

☐ Organization is not recognized and a Request for Recognition of a Non-Profit Religious, Charitable, Social Service, or Similar Organization (Form EOIR-31) accompanies this request.

☐ Organization is already recognized. Date of recognition \_\_\_\_\_ (Month/Day/Year)

**2. Name of proposed representative**

First \_\_\_\_\_ Middle \_\_\_\_\_ Last \_\_\_\_\_

Other names used \_\_\_\_\_

This individual has been previously accredited. ☐ Yes ☐ No If "yes," provide the name(s) of the other recognized organization(s) for which this individual serves or has served as an accredited representative: \_\_\_\_\_

Name of other organization(s) \_\_\_\_\_

Date(s) of last approval of accreditation \_\_\_\_\_ (Attach additional sheets if necessary)

**3. Type of accreditation sought (check one)**

☐ Full (practice before BIA, immigration courts, and DHS) or ☐ Partial (practice before DHS only)

**4. Renewal of accreditation (check if applicable)**

☐ Full (practice before BIA, immigration courts, and DHS) or ☐ Partial (practice before DHS only)

Date of last approval of accreditation \_\_\_\_\_ (Month/Day/Year)

(Attach copy of last order approving accreditation, if available)

See question  
A4

**5. Type of accreditation sought (check one)**

☐ Full (practice before BIA, immigration courts, and DHS) or ☐ Partial (practice before DHS only)

See questions  
A33, A38,  
A39, A40, A41

**6. Renewal of accreditation (check if applicable)**

☐ Full (practice before BIA, immigration courts, and DHS) or ☐ Partial (practice before DHS only)

Date of last approval of accreditation \_\_\_\_\_ (Month/Day/Year)

(Attach copy of last order approving accreditation, if available)

Optional Form EOIR-31A  
October 2014

## I HAVE QUESTIONS ON ACCREDITATION OPTIONAL FORM EOIR-31A

See  
questions  
A5, A6, A7,  
A8, A11,  
A12, A13,

### 5. Qualifications for accreditation

1. Good moral character. Attach character reference letters and other supporting documentation.
2. Broad knowledge of immigration and nationality law and procedure. Attach a resume and documentation demonstrating knowledge and experience in immigration law, practice, and procedure. List relevant trainings completed, including an overview of fundamentals of immigration law and procedure, and include certificates of completion, if any.
3. Full accreditation also requires documentation demonstrating the applicant possesses the essential skills for effective litigation. Attach documents showing relevant education, training, and experience.

### 6. Attestations (complete both)

<b>Officer of organization</b>	<p>Under penalty of perjury, I declare that I have examined this form, including accompanying attachments, and to the best of my knowledge and belief, it is true, correct, and complete.</p> <p>_____ Signature of officer of organization</p> <p>_____ Print name of officer of organization</p> <p>_____ Date</p>	<b>Proposed representative</b>	<p>Under penalty of perjury, I declare that I am of good moral character, and I have reviewed 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.</p> <p>_____ Signature of proposed representative</p> <p>_____ Print name of proposed representative</p> <p>_____ Date</p>
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See  
question  
A26

### 7. Proof of service (complete both)

<b>DHS USCIS</b>	<p>I, _____ (print name) mailed or delivered a copy of this Optional Form EOIR-31A and its attachments to the District Director for USCIS of DHS on _____ (Date) at _____ (Number and Street) _____ (City, State, Zip Code) _____ (Signature)</p>
<b>DHS ICE</b>	<p>I, _____ (print name) mailed or delivered a copy of this Optional Form EOIR-31A and its attachments to the Chief Counsel for ICE of DHS on _____ (Date) at _____ (Number and Street) _____ (City, State, Zip Code) _____ (Signature)</p>

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. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to review the form, gather necessary materials, and assemble the attachments is 2 hours. 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 22040.

Optional Form EOIR-31A  
October 2014

## BACKGROUND

### A1. What is accreditation?

"Accreditation" is when the BIA gives permission to a specially qualified non-lawyer to represent aliens on behalf of a recognized organization. The BIA will accredit non-lawyers *only* when they work for a recognized organization and will never accredit a non-lawyer who tries to practice immigration law on his or her own.

There are two kinds of accreditation: "partial" and "full." A partially accredited representative may represent aliens before *DHS only*. A fully accredited representative may represent aliens before both *DHS and EOIR* (the immigration courts and the BIA).

### A2. Why would a recognized organization want accredited representatives?

If a non-profit organization wants to provide immigration services, but does not have a licensed attorney on staff, it can ask the BIA to "accredit" qualified non-attorneys to represent aliens on the organization's behalf.

### A3. How has the accreditation application process changed since the Board's decision in *Matter of United Farm Workers Foundation (UFW)*, 26 I&N Dec. 454 (BIA 2014)?

Under the Board's decision in *Matter of UFW*, only one accreditation application is needed when seeking accreditation at different branch offices.

#### a. How will clients of the recognized organization know where to contact the accredited representative?

The recognized organization must provide the Board with a list of branch office locations in which the accredited representative will be providing services. The Board will then update the R&A Roster to show where the accredited representative is located. If the application only lists one office location, then the representative will only appear on the roster under that one office and not the other branch offices.

#### b. Accreditation of our representatives was approved prior to the Board's decision in *Matter of UFW*. Can they still work at the other branch locations?

Yes. However, the organization should submit correspondence to the Board indicating which branch office locations the representatives will practice.

#### c. Our organization expects our proposed representative to practice at several branch locations. Which office applies for his or her accreditation?

If the accredited representative will be practicing at different locations, the office where the representative will primarily practice should apply for his or her accreditation.

#### d. If the accredited representative has been accredited at several locations on different dates, when does accreditation expire?

The organization should apply for renewal of accreditation before the earliest expiration. Then the representative may be accredited for the same cycle at all locations.



**e. We applied for recognition of a new branch location. How do we inform the Board if we want our accredited representative to work at the new branch location?**

Through correspondence, the organization should inform the Board at which branch(es) the accredited representative will provide services. The organization must also inform the Board whenever it reassigns the representative to another location(s). If the organization's representative will no longer practice at a certain location, the organization must notify the Board of the correct location(s).

It is the organization's responsibility to ensure that each recognized location continues to have representatives who can meet the needs of the organization's clients.

## **REQUIREMENTS**

### **A4. How do the requirements for full and partial accreditation differ?**

Fully accredited representatives can appear before the DHS, the immigration courts, and the BIA. They are expected to write legal briefs and motions, question witnesses in court, and demonstrate other oral advocacy skills. Partially accredited representatives can only practice before DHS and are not required to demonstrate the legal writing and advocacy skills required for full accreditation.

Both fully and partially accredited representatives must demonstrate good moral character and a broad knowledge of immigration law and procedure.

Organizations should provide documentation showing the proposed representatives have good moral character, possess a broad knowledge of immigration law and procedure, and have appropriate training and experience for the type of accreditation sought.

### **A5. How does my organization show its proposed representative has good moral character?**

There is no one particular way to demonstrate good moral character. The organization must satisfy the BIA that the proposed representative is trustworthy and reliable. It is helpful, *but not required*, to include documentation that reflects well on the individual's character, such as:

- letters of recommendation from attorneys, accredited representatives, community leaders, and others with personal knowledge of the individual's character.
- any easily available documents that show the lack of a criminal record, such as a police report, favorable credit reports, and background checks.

### **A6. How does my organization show its proposed representative has a broad knowledge of immigration law and procedure?**

The BIA is flexible in accepting documents showing the extent of the proposed representative's understanding and familiarity with immigration law and procedure. The proposed representative must be able to readily identify immigration issues in all areas, even if the representative will focus on a particular area of immigration law. The proposed representative must know when to seek additional



legal guidance. To demonstrate broad knowledge for the proposed representative, the organization may submit:

- resume with relevant educational degrees and recent training in immigration law and procedure, with pertinent dates.
- certificates of completion of recent training, conference programs, syllabi of courses attended, and other documentation with pertinent dates showing the extent of the representative's comprehension of immigration law and procedure.
- certificates of completed training including an overview of immigration law and procedure and any courses relevant to the immigration services the proposed representative will be providing. Continuing legal education (CLE) classes and courses offered by bar associations, law schools, national non-profit networks, and other recognized organizations are persuasive evidence of relevant training.

#### **A7. What type of experience is needed for *partial* accreditation?**

The BIA looks for documented training in immigration services and topics practiced before USCIS. Documented hands-on experience under the supervision of an attorney or accredited representative is also helpful. Also documentation that the proposed representative has shadowed an attorney or experienced accredited representative with a recognized organization who handles similar cases may be persuasive. By way of illustration, this is what the BIA looks for:

- a resume of the trainer or mentor
- dates and hours of training
- topics covered (e.g., how to complete DHS forms, interviewing aliens, accompanying an attorney or accredited representative to interviews or to visits to DHS offices)
- letters from attorneys, accredited representatives, mentors, or others who can confirm the representative's legal training and assess the individual's abilities to represent aliens before the DHS
- a letter from a mentor who can confirm the dates, hours, and topics if the proposed representative received hands-on training while shadowing

#### **A8. What additional experience is required for *full* accreditation?**

In order to appear not only before DHS but also before the immigration courts and the BIA, the organization should show that the proposed fully accredited representative has legal research and writing skills, and has training in trial and appellate advocacy. Some ways organizations can show this experience:

- documentation with pertinent dates of the individual's past employment or volunteer experience involving legal research, writing, or court procedure.
- letters of recommendation from attorneys, accredited representatives, or others who confirm the proposed representative's training and provide an assessment of his or her abilities to represent aliens before the DHS, the immigration courts, and the BIA.

- resume of the trainer or mentor, and the specific topics covered during practical training, such as assisting attorneys or accredited representatives in preparing for interviews or court, and drafting briefs, motions, and appeals.

**A9. Does the BIA provide training for organizations and non-attorneys to assist them in qualifying for recognition or accreditation?**

No, but immigration legal training is available through a variety of sources, such as state bar associations, law schools, national non-profit networks, and recognized organizations.

**A10. Can a recognized organization or attorney provide immigration legal training to its own proposed representatives?**

Perhaps. The BIA is flexible in accepting relevant immigration training from a variety of reputable sources. When the organization provides detailed information regarding the training of its staff, the BIA can more readily assess the individual's knowledge and experience in immigration law and procedure. For example, the organization should clearly identify the provider of the training, submit the resume of the attorney or accredited representative (if applicable), document the topics covered, dates provided, and indicate the length of the training.

In-house training is scrutinized more carefully to ensure that the proposed representative receives training that will effectively prepare him or her to represent aliens.

**A11. What types of immigration training or education is the BIA looking for?**

The BIA is aware that each organization has its own mission and specialties, and therefore no specific training or educational degree is required for all representatives or organizations.

That said, the BIA also is aware that the quality of training varies, and as a practical matter, the BIA has greater confidence in certain types of training. For example, immigration continuing legal education (CLE) courses that are provided to attorneys and paralegals are generally viewed as persuasive documentation of knowledge and experience, especially when offered by bar authorities and bar associations. Training provided by national non-profit networks or well-established recognized organizations is also viewed in a favorable light. At the other end of the spectrum, stand-alone webinars and law firm lectures can be acceptable, but they tend to be less persuasive documentation of adequate training to represent aliens in immigration matters.

Depending on the organization and its mission, specialized training for authorized staff may be required. For example, an organization that assists with asylum applications may be expected to show more training in this subject area.

Even if an organization's representatives practice only before DHS, the representatives should still have a basic understanding of all aspects of immigration law. An organization's staff should be made aware of the scope and limitations of the organization's representation, and they must know when to refer an alien to an attorney or another recognized organization with additional expertise.

### **A12. What training topics should be documented in my application or request?**

Immigration law is a complex field, and its many topics cannot be listed here. However, examples of core training topics include:

- a solid overview of the fundamentals of immigration law and procedure
- family-based, employment-based, and diversity immigrant visas and the visa petition process
- adjustment of status, including bars to admission and waivers of inadmissibility
- the removal process, including grounds of removability and relief from removal, such as voluntary departure, cancellation, and asylum, withholding and protection under the Convention Against Torture
- consequences of criminal convictions
- naturalization

Core training should also include law practice skills, such as:

- legal research and writing
- client management and interviewing techniques
- managing a case in immigration court
- ethics and professional responsibility

A successful application for initial accreditation must show completion of at least one formal training course designed for new practitioners and that the training provided a solid overview of the fundamentals of immigration law and procedure.

A successful renewal application should include additional formal training since the last accreditation that reflects the representative has kept current in immigration law and procedure.

### **A13. What training documentation should my organization submit?**

The type and extent of training depends on the type of cases your organization expects its representatives to handle. In general, the more specific the documentation, the more confident the BIA will be that the organization has the required knowledge and experience. Training programs or agendas that specify the time, place, subject matter, presenters, and organizing entity are especially helpful. So too are certificates and other proof of attendance.

### **A14. Does the training need to fall within a certain period of time?**

No, but the qualifying training should be recent. Since immigration law is a complex field, a history of training that spans months and years suggests the organization's proposed representatives have broad knowledge. At the same time, however, immigration law is constantly evolving, and the absence of any recent immigration training suggests that the organization and/or proposed representative may lack a current command and familiarity with the field.

**A15. Does the BIA require a specific number of training hours to demonstrate eligibility for accreditation?**

No. The BIA does not require a specific number of hours of training, but an application or request is strengthened by each extra hour of documented training. The BIA wants to see if the proposed representative has enough hours to show the knowledge needed *both* to represent aliens generally and in any specialty within the mission of the organization.

**REQUEST FOR ACCREDITATION**

**A16. Who can apply for accreditation of individuals on behalf of my organization?**

Only a recognized organization can request accreditation for an individual. The accreditation application must be filed by an individual who is authorized to act on behalf of the organization, such as the executive director, chief executive officer, or president.

The BIA does not accept requests from the individuals themselves – with one exception. It is acceptable for an executive director, chief executive officer, or president of the organization to request accreditation on his or her own behalf *if* the officer does so in the name of the organization.

**A17. Does my recognized organization have to apply for accreditation for attorneys on staff?**

No. Accreditation is intended for non-attorneys. Attorneys who are members in good standing of a bar of any state, commonwealth, possession or territory of the United States or of the bar of the District of Columbia do not need accreditation to represent aliens on behalf of a recognized organization.

**A18. What form may my organization use to apply for accreditation of a proposed representative?**

Your organization may use Form EOIR-31A to request accreditation for a representative. Your organization may also request accreditation by letter. Letter requests for accreditation must be submitted by the recognized organization on official letterhead. Only a person authorized to act for an organization (such as the Director, Executive Officer, or President) can request accreditation for its representatives.

**A19. How does my recognized organization apply for a representative to be accredited?**

The organization needs to file a Form EOIR-31A or a letter, and separate set of supporting documentation for *each* proposed representative. It is important that the application or letter identify the proposed representative and the organization, the name and title of the organization's official requesting the accreditation, whether the request is for initial accreditation or renewal of accreditation at that location, and whether the organization is seeking full or partial accreditation for that individual. For the sake of completeness, the BIA recommends that the organization include a copy of the BIA's last decision approving accreditation when requesting renewal of accreditation.

For more in depth information on the accreditation process, consult the federal regulations (particularly 8 C.F.R. § 1292.2) and pertinent BIA precedent decisions, which are listed on the R&A Program webpage: <http://www.justice.gov/eoir/ra.htm>

**A20. Is there a fee to apply for accreditation?**

No.

**A21. Can my organization request recognition for itself and accreditation for its representatives at the same time?**

Yes. In fact, your organization may need to request accreditation and recognition at the same time since it must show that there is staff with adequate knowledge and experience to meet its clients' needs for that location to be recognized.

While the application and the request(s) should be filed together, the best practice is to clearly separate the recognition application from the accreditation requests. If there are multiple proposed representatives, each representative should have his or her own packet (in case one is approvable and the other is not). Thus, if the organization submits a document to support the recognition application, and the same document supports the accreditation request, copy the document and include it with each accreditation request.

**A22. Can our organization request that our partially accredited representative become a fully accredited representative? In other words, how can our accredited representative change from "DHS only" representation to "DHS and EOIR" representation?**

A recognized organization can request a change from partial to full accreditation of its representatives at any time. That request will be treated as a new request for full accreditation.

To change a representative's accreditation from partial to full, the organization must submit documentation indicating that the representative continues to show good moral character and a broad knowledge of immigration law and procedure. The request may also include letters of recommendation (reflecting that the request is for full, not partial) and specify additional training or experience that is pertinent to practicing before an immigration court or the BIA (such as trial and appellate advocacy, legal brief and motion drafting, and knowledge of EOIR practice and procedures).

Even if the request for full accreditation is disapproved, the BIA will treat the partial accreditation as remaining in effect until it expires (assuming the representative still qualifies for partial accreditation). If the representative is due for renewal of accreditation and only qualifies for partial, the request for partial accreditation will be approved, and a new 3 year period of accreditation will be recorded.

**A23. What if my organization has an individual that it would like to represent aliens at multiple locations?**

The organization may file one application for its representative to practice at all of the organization's recognized branch offices. The organization should select a single office for purposes of filing, service, and renewal of applications for the representative.

**A24. Can an individual be accredited at more than one recognized organization?**

Yes. Multiple organizations may request accreditation for the same individual. The accredited representative can only represent the clients on behalf of the organization with which the representative is accredited. In other words, the clients remain the clients of the recognized organization, not the accredited representative.

**A25. My organization has the letter and supporting documentation for accreditation ready to be filed. Where do I send it?**

Send your request and supporting documentation *with proof of service* to the R&A Program Coordinator at the BIA (whose address is available on the recognition application form and EOIR website). Remember: if you do not include a proof of service of exact copies to the local DHS offices of U.S. Immigration Customs Enforcement (ICE) and U.S. Citizenship and Immigration Services (USCIS), your application is not considered complete.

**A26. What is Proof of Service?**

In this context, a “proof of service” (or a “certificate of service”) is an organization’s formal guarantee to the BIA that it has sent an exact copy of its filing to the appropriate offices of DHS. DHS has the same obligation to the organization when it files something with the BIA in response to the organization’s application.

Every filing – whether an application, document, recommendation, extension request, response to a recommendation, or other formal submission -- must clearly contain a Proof of Service.

The recognition application, Form EOIR-31, and the accreditation application, Form EOIR-31A, contain a sample Proof of Service on the back of the form, which is available on-line at: <http://www.justice.gov/eoir/eoirforms/eoir31.pdf> and <http://www.justice.gov/eoir/eoirforms/eoir31A.pdf>

**A27. To which DHS offices do I need to send copies of the accreditation request?**

Your organization needs to send its documents to two DHS offices: the appropriate District Director for USCIS and the appropriate Chief Counsel for ICE. These would be DHS offices that have jurisdiction over the area where your organization is located. To identify the appropriate DHS offices, you should consult the USCIS and ICE websites or a local DHS office.

**A28. How long does it take to decide an accreditation request?**

Times vary because each request is different. However, the standard processing time for the BIA to make a decision on the request is within 3 months of it becoming complete - in other words, after all documents have been submitted by both the organization and DHS.

**A29. What prolongs or delays the processing of a request?**

The most common reasons why processing times lengthen are:

- a missing Proof of Service for one or both local offices of DHS
- extension requests by DHS (USCIS and/or ICE) to respond to the application or request
- extension requests by the organization to respond to a DHS unfavorable recommendation
- piecemeal applications or requests (in other words, the organization submits some but not all of the documents and mails the rest in after the fact)
- not stating clearly what kind of accreditation (full or partial) is being sought

**A30. Once the BIA receives my request, how long does it take DHS to respond? Can I ask for an extension of time to respond to DHS?**

When a request is filed, the BIA gives DHS a 30-day deadline to review it and respond with a recommendation. Sometimes DHS requests an extension. In turn, if DHS gives an unfavorable recommendation, the organization has 30 days to respond and may ask for an extension. However, neither extension is automatic.

Until the BIA grants an extension, the existing deadline stands. As a general practice, when the BIA grants an extension, it is usually for no more than 30 days. Longer periods may be requested, but an extension request will not be granted unless the reason is persuasive.

**A31. If the BIA does not approve my request, can I submit more documents to fix it?**

The Board issues a written decision on each request for accreditation. Your organization should submit a new request addressing the concerns in the BIA decision. You should include all of the material originally filed, along with any additional documentation. The BIA does not entertain motions in the R&A application process.

**A32. Can my organization apply for accreditation of its representatives before DHS or an immigration judge?**

No. Only the BIA has the authority to approve applications for recognition and requests for accreditation of representatives.



## **MAINTENANCE & RENEWAL**

### **A33. Does accreditation expire?**

Yes. Unless renewed, accreditation expires 3 years from the date of the BIA's last decision approving accreditation. This applies to both full and partial accreditation.

### **A34 If a representative is accredited at multiple organizations, what happens when the representative leaves one of those recognized organizations?**

Loosely speaking, a representative's accreditation belongs to the organization, not the individual. Accreditation is authorization to represent aliens *on behalf of* that organization. If an accredited representative leaves a recognized organization, accreditation is lost for that organization only.

### **A35. Where can the exact date of expiration be found?**

The BIA's [rosters](#) of recognized organizations and accredited representatives reflect the date a representative's accreditation expires.

Please note that it is the organization's responsibility to monitor an accredited representative's expiration date. The BIA does *not* remind recognized organizations of impending expirations.

### **A36. What happens when the accreditation of a representative expires?**

When accreditation expires, the individual is no longer authorized to represent aliens on behalf of that organization, and that person's name is removed from the roster of accredited representatives.

### **A37. If an accredited representative at our organization becomes an attorney, do I need to notify the Board?**

Yes, your organization should advise the Board when its accredited representative becomes a licensed attorney. Since the representative no longer needs accreditation to represent aliens on behalf of the recognized organization, accreditation will be terminated, and the representative's name will be removed from the Board's roster of accredited representatives. (As the organization continues to provide immigration services via an attorney or accredited representative on staff, the organization's name will remain on the roster of recognized organizations.)

### **A38. How does my organization renew our representative's accreditation?**

A renewal request is treated the same as an initial request for accreditation. However, the renewal request should include updated information regarding good moral character, immigration knowledge and experience (plus relevant legal writing and advocacy skills for full accreditation). Documentation that is especially helpful includes: a new resume, updated educational and training information, a number and the types of immigration cases worked on during the accreditation period, letters of recommendation, and other supporting documentation demonstrating that the proposed representative maintains the qualifications for accreditation.

**A39. When should a renewal request be made?**

To ensure uninterrupted accreditation, the organization should request renewal *at least* 60 days prior to the expiration date. The BIA highly recommends, however, submitting the request between 90 and 120 days in advance.

Why so far out? For accreditation to be approved or renewed, the BIA has to process the request, DHS has to be given an opportunity to review and respond, the organization given an opportunity to respond to DHS (if DHS opposes the request), and then the BIA rules upon the request. Given the variables in these steps, the BIA recommends that organizations err on the early side in filing renewal requests.

**A40. What happens if my organization does not request renewal of accreditation in time? Will the BIA still process the renewal application?**

If you file less than 60 days prior to expiration, accreditation could lapse. However, if your request is untimely, the BIA will still process and consider the request, but will treat it as an initial request for accreditation. See question A38 for the distinction of a request for renewal of accreditation.

**A41. Will my accreditation expire if my renewal application is still pending?**

You remain accredited only if the BIA receives your renewal request *at least* 60 days prior to your expiration. That is why the BIA recommends submitting renewal requests 90 to 120 days in advance. If you file too close to your expiration, you risk losing your ability to represent aliens while your application is pending.

To illustrate, if your last BIA order was dated October 31, 2009, your accreditation will expire on October 31, 2012. Sixty days before that date is September 1, 2012. If the BIA receives your renewal application before September 1<sup>st</sup>, your accreditation continues while it is pending. If the BIA receives it on September 1<sup>st</sup> or after that date, your accreditation will expire on October 31, 2012.

**A42. Can my organization apply for a representative's accreditation after his/her accreditation has expired?**

Yes, but the request will be treated as a new application, and there will be a gap in accreditation.

**A43. What can my organization do to expedite the processing of a renewal request?**

Since the BIA must provide DHS with 30 days to respond to a request for renewal, the organization might contact DHS in advance of submitting the request. The organization could ask DHS if it would be willing to provide its recommendation directly to the organization (for inclusion with its renewal filing) or to respond expeditiously to the BIA once the request is filed.

**A44. My organization has the request and supporting documentation for renewal of accreditation ready to be filed. Where do I send it?**

Send your request and supporting documentation *with a “proof of service”* (or a “certificate of service”) to the R&A Program Coordinator at the BIA (address available on the recognition application form and EOIR website). It is essential to file the complete renewal request at least 60 days prior to expiration in order to maintain accreditation while the renewal request is pending. If you do not include a proof of service of exact copies to the local DHS offices of ICE and USCIS, your application is not considered complete.

**OTHER**

**A45. Can a BIA accredited representative provide legal assistance at occasional offsite events, such as at pro-bono legal clinics or application workshops?**

Yes, an accredited representative may provide legal assistance at occasional off-site events so long as it is always clear that the representative is acting only on behalf of the recognized organization. The accredited representative should always identify himself or herself as an accredited representative and explain that he or she is offering services on behalf of the recognized organization. The accredited representative should also ensure that the person receiving services knows how to follow-up with the representative if the need arises. For example, the representative should provide a business card or contact information at the outset of a consultation, and sign his or her name, as well as provide the organization’s contact information, on any form that he or she completes.

**A46. Does the BIA issue ID cards to accredited representatives?**

No, but you can see if the name of the representative and/or the organization are listed on the BIA’s rosters (available on the EOIR [website](#)). The BIA’s order approving accreditation also shows the name of the representative’s organization, the date accreditation was approved, and whether the representative has partial (DHS only) or full accreditation.

**A47. What if I still have questions about the accreditation process?**

Contact the BIA’s Recognition and Accreditation (R&A) Program Coordinator.

Phone: 703-305-9029

Email: [Recognition.Accreditation@EOIR.USDOJ.GOV](mailto:Recognition.Accreditation@EOIR.USDOJ.GOV)

Mail: R&A Program Coordinator  
BIA of Immigration Appeals  
Clerk’s Office  
5107 Leesburg Pike, Suite 2000  
Falls Church, VA 20530

Website: <http://www.justice.gov/eoir/ra.htm>