

List of Pro Bono Legal Service Providers October 8, 2015

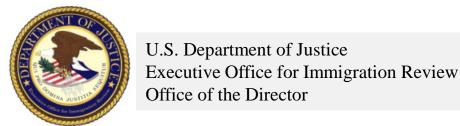


List of Pro Bono Legal Service Providers "the List" or "Pro Bono List"

• 8 C.F.R. §§ 1003.61-1003.66

• Effective Date – November 30, 2015

Office of the Director

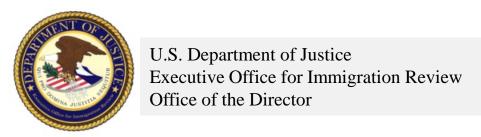


Administration of the List

OFFICE OF THE DIRECTOR

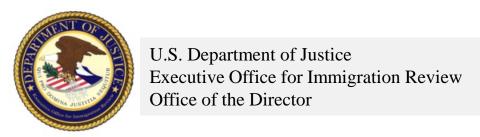
- Office of Legal Access Programs
 - Program Director
 - Pro Bono List Administrator

Visit: www.justice.gov/eoir/probono/probono.htm



Purpose of the Pro Bono List

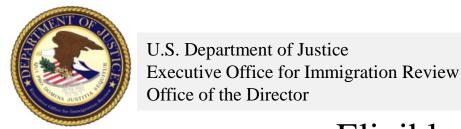
Improve the efficiency and fairness of immigration proceedings by facilitating access to legal representation through the distribution of a reliable list of organizations, pro bono referral services, and attorneys who are available to represent individuals in removal and asylum proceedings, in compliance with §§ 239(b)(2) and 208(d)(4)(B) of the Immigration and Nationality Act.



Meaning of "Pro Bono Legal Services"

8 CFR § 1003.61(a)(2)

"those uncompensated legal services performed for indigent aliens or the public good without any expectation of either direct or indirect remuneration, including referral fees (other than filing fees or photocopying and mailing expenses)"



Eligible Applicants

- Non-profit Organizations
 - Recognized organizations
 - Non-recognized organizations
- Pro Bono Referral Services
- Attorneys



Recognized Organization – Qualifications

8 CFR § 1003.62(a)

Non-profit organization recognized under 8 CFR part 1292

Declaration signed by authorized officer of organization under penalty of perjury:

- The organization has at least one attorney or fully accredited representative eligible to practice law and who has registered with EOIR.
- The organization commits to providing at least 50 hours a year of probono legal services in each immigration court where the organization intends to be listed.
- Specifies any limitations in the provision of pro bono legal services. For example, takes only cases involving non-detained individuals, children, asylum seekers, or individuals with criminal convictions.



Non-recognized Organizations – Qualifications

8 CFR § 1003.62(b)

Non-profit organization established in the United States.

Declaration signed by authorized officer of organization under penalty of perjury:

- The organization has at least one attorney eligible to practice law and who has registered with EOIR.
- The organization commits to providing at least 50 hours per year of probono legal services at each immigration court where the organization intends to be listed.
- Specifies any limitations in provision of pro bono legal services. For example, takes cases involving only non-detained individuals, children, asylum seekers, or individuals with criminal convictions.



Pro Bono Referral Services – Qualifications

8 CFR § 1003.62(c)

To qualify, referral services must be offered by a non-profit group, association or similar organization to assist persons in locating probono representation.

Submit declaration signed by an authorized officer of the referral service that states under penalty of perjury:

- Its referral services are offered to individuals in removal or other proceedings before each immigration court location identified in its application, and,
- Any specific limitation it has in providing its pro bono referral services (for example, the services assist with domestic violence or children's cases only).



Attorneys – Qualifications

8 CFR § 1003.62(d)

Attorney licensed in the United States

Declaration under penalty of perjury:

- Eligible to practice law (no disciplinary action) and registered with EOIR
- Cannot provide pro bono legal services through or in association with an organization or referral service because: (1) such an organization or referral service is unavailable, or (2) the range of services provided by the existing organization or referral services is insufficient to address the needs of the community
- Describes the good faith efforts made to provide pro bono legal services through an organization or referral service
- Commits to providing at least 50 hours annually of pro bono legal services in each immigration court where the attorney intends to be listed
- Specifies any limitations in provision of pro bono legal services. For example, takes cases involving only non-detained individuals, children, asylum seekers, or individuals with criminal convictions

List of Pro Bono Legal Service Providers



Application Process

8 CFR § 1003.63

Complete Form EOIR-56 or submit a letter requesting inclusion on the List with a supporting declaration submitted by authorized officer for organizations or the private attorney. Application *must* be received by the Director no less than 60 days in advance of the next quarterly update, or 60 days prior to July 1, October 1, January 1, and April 1. Applications received after the 60 day cut off will be considered for the following quarterly update.

- Establish by clear and convincing evidence the applicant qualifies to be on the List
- Specify how the applicant wants its name and contact information to appear on the List (include relevant information, such as physical address, telephone and fax number(s), email address, website)
- Identify each immigration court location where the applicant provides, or intends to provide, pro bono legal services
- Specify any limitation in offering pro bono legal services
- Provide optional information that may be included on the List, such as languages spoken by representatives or staff, office hours, etc.

 List of Pro Bono

Legal Service Providers



General Instructions draft Form EOIR-56

U.S. Department of Justice Office of Legal Access Programs

Executive Office for Immigration Review Request to be Included on the List of Pro Bono Legal Service Providers for Individuals in Immigration Proceedings

GENERAL INSTRUCTIONS

Please read carefully before completing and filing optional Form EOIR-56

A. When to submit an optional Form EOIR-56:

Organizations, pro bono referral services, and attorneys may use this form (optional Form EOIR-56) to apply for placement on the List of Pro Bono Legal Service Providers (List) for individuals in immigration court proceedings, and to make a renewal request to remain on the List. The List provides a names of organizations, referral services, and attorney. make a renewal request to remain on the List. The List provides names or organizations, referral services, and attorneys variable to provide pro bono legal services to indigent persons in immigration court proceedings before the Executive Office for immigration Review (EOIR). The List is published quarterly, in January, April, July, and October. To be considered, applicants should submit the application not later than 60 days prior to the first day of the month in which the next quarterly update will be published. Applications received less than 60 days prior to that date will not be considered until the following quarter.

B. Who is eligible to be included on the List:

Organizations, pro bono referral services, and attorneys may apply to be placed on the List. Organizations and attorneys must commit to providing annually at least 50 hours of pro bono legal services to individuals in proceedings at each immigration court location where the organization or attorney intends to appear on the List. "Pro bono legal services" are those uncompensated legal services performed for indigent individuals or for the public good without any expectation of

- An "organization" must be a non-profit religious, charitable, social service or similar group established in the United States. Organizations include both organizations recognized by EOIR under 8 CFR part 1992 and non-recognized organizations. A recognized organization must have at least one attorney or an accredited representative eligible to practice before the immigration courts. Non-recognized organizations must have an
- A "pro bono referral service" is a service, offered by a non-profit group, association, or similar organization established in the United States that assists persons in locating pro bono representation by making case referrals to attorneys or organizations that are available to provide pro bono representation in immigration court proceedings. A service that refers individuals for paid legal services does not qualify.
- An "attorney" in private practice in the United States may be eligible to be included on the List only if the
 attorney cannot provide pro bono legal services through or in association with an organization or pro bono referral

C. How to apply for placement on the List using the optional Form EOIR-56:

· Part 1.

Check the appropriate box to specify whether the applicant is an organization, pro bono referral service, or attomey. Provide the applicant's complete name, including any names under which it is doing business, and the name as it should appear on the List. If the applicant has previously applied to be on the List, provide the name(s) used in the past by the applicant.

Provide applicant contact information. The applicant must provide a street address. A post office box number is not acceptable. Include applicant's telephone number, fax number (if available), email address and web address (if available). The contact information provided on this application will appear on the List for each immigration court listed. If the applicant has more than one address and telephone number, clearly identify the address and telephone numbers which should appear on the List for each immigration court. Attach additional sheets of paper (including the applicant ms. a soon as possible, but in no more than 10 business days, advise the EOIR, Pro Bono List Administrator, in writing at ProBono List Admini@usdoj.gov or at the address provided in Part E of these instructions.

GENERAL INSTRUCTIONS (continued)

Ontional Form EOIR-56

Please read carefully before completing and filing optional Form EOIR-56

C. How to apply for placement on the List using the optional Form EOIR-56:

Check the appropriate box to show whether this application is for an initial request to be included on the List or a renewal request to remain on the List. Initial requests include requests from providers whose most recent application was approved to be on the List of Free Legal Service Providers. Does not not be supported to be on the List of Free Bono Legal Service Providers, providers must submit a renewal request every 3 years. To guarantee that the renewal application will be processed before the equipation of the 3 year period and certify that the provider remains eligible to appear on the List. For example, an approved applicant who is placed on the List in January 2016 would be required to file an application for renewal not later than November 2, 2018 (60 days prior to the expiration of the 3 year approval period and issuance of the January 2019 quarterly List).

Part 4

Part 4. Section A.

List the names of each immigration court in which the applicant intends to provide at least 50 hours each year of pro bono legal services or refer cases to representatives providing pro bono legal services. Specify the name of each court, such as "Varick Street," "Miami," or "Miami (Krome), Detained." Please use the EOIR Listing of Immigration Courts as a guide to immigration court names and locations, available at the following webpage: http://www.justice.gov/eoir/sibpages/ICadr.htm. If needed, attach additional sheets of paper (include the applicant's name and the section of form) to complete this section.

Part 4. Section B.

List any specialties, limitations on providing pro bono legal services or pro bono referrals, or comments that should be noted on the List for each immigration court. For example, an applicant may limit its pro bono practice to children's cases or asylum cases only, may be willing to assist individuals with criminal convictions, may be willing to accept collect calls from a defention center, or may be able to provide services in multiple languages. If the specialities, limitations, or comments apply to all immigration courts listed, check the box provided. If needed, attach additional sheets of paper (include the applicant's name and the section of form) to complete this section.

Organizations must affirm that they intend to provide annually at least 50 hours of pro bono legal services in each immigration court location listed in Part 4. An organization may count its attorneys' and representatives' in-court time, as well as their out-of-court preparation time. When an organization refers a case for pro bono legal services outside the organization, it may count its attorneys' and representatives' time spent, for example, conducting an intake interview or mentoring the attorney to whom the case was referred. Those attorneys and fully accredited representatives appearing in immigration court must be registered with EOIR. For information about EOIR's e-Registry system, see http://www.justice.gov/eoir/engage/eRegistration.htm.

Pro bono referral services must affirm that they intend to offer their services to individuals in removal or other proceedings before each immigration court location identified in Part 4.

Private attorneys must affirm they intend to provide annually at least 50 hours of pro bono legal services in each immigration court location listed in Part 4. Under penalty of perjury, counsel must declare that he or she is unable to provide pro bono legal services through or in association with an organization or pro bono referral service because such an organization is unavailable, or the ranges of services provided is insufficient to address the needs of the community. In addition, counsel must attach a statement, under penalty of perjury, describing the good faith efforts made to associate with organizations and pro bono referral services. Finally, private attorneys are encouraged to submit other relevant documentation.

Please read carefully before completing and filing optional Form EOIR-56

Part 6. If this is an initial application or a pro bono referral service provider, skip to Part 7

Part 6. Section A.

To renew an organization's or attorney's inclusion on the List, the organization or attorney must submit the alien registration numbers of clients in whose cases the organization or attorney rendered pro bono legal services, totaling, for each immigration court location where the provider appears on the List, at least 50 hours in each of

For each case listed, the provider must include: the number of hours of pro bono legal services provided; the time period for which the pro bono legal services were provided; and the name and e-Registry number (if applicable) of the attorney or representative who rendered the pro bono legal services or to whom the case was referred for pro bono legal services. When an organization refers a case to an outside attorney or representative for pro bono legal services, the organization may count the time its attorneys or representatives spent providing pro bono legal services, but not the time of the attorney or representative to whom the case was referred.

Hours spent preparing a case for immigration court, including, for example, screening cases for pro bono referral arous spen preparing a case nor immigration cour, illicating, to example, screening case to plot only related or mentioning representatives, may be counted as well as time spent in court. Only 50 hours of pro bono legal services need to be reported for each year for each court location; there is no obligation to report additional hours of pro bono legal services performed in excess of the 50 annual hours required to qualify for renewal. If needed, attach additional sheets of paper (include the applicant's name and section of the form) to complete this section.

Tally the total hours of pro bono legal services for the past 3 years in each immigration court location where pro bono legal services were provided. No more than 30 hours total of pro bono legal service hours must be recorded for each year. Headed, attach additional sheets of paper (include the applicant's name and section of the form) to

D. Who must verify the contents of the optional Form EOIR-56:

Part 7.

Part 7. Section A. Authorized officer.

The applicant organization or referral service must have an authorized officer, such as the President, Executive Director or an officer of the organization, who has been designated to act on behalf of the organization to apply to be on the List. By signing the form under penalty of perjury the authorized officer declares that the organization or referral service meets the eligibility requirements to be included on the List and that the contents of the form and its attachments are true, correct, and complete.

Part 7. Section B. Attorney.

An attorney must attest that he or she is licensed to practice law in the United States, has registered with EOIR (provide the registration number), and that he or she is not under an order of suspension, disbarment, or other restriction in the practice of law. By signing the form under penalty of perjusy the attorney declares that he or she meets the eligibility requirements to be included on the List and that the contents of the form and its attachments are true, correct, and complete.

E. Where to submit the optional Form EOIR-56:

Pro Bono List Administrator Office of Legal Access Programs (OLAP) Executive Office for Immigration Review 5107 Leesburg Pike, Suite 1900 Falls Church, VA 22041

For more information about applying to be on the List of Pro Bono Legal Service Providers, visit the EOIR website at: http://www.justice.gov/eoir/probono/probono.htm

GENERAL INSTRUCTIONS (continued)

Optional Form EOIR-56



Application – draft Form EOIR-56

U.S. Department of Justice Executive Office for Immigration Review Office of Legal Access Programs Part I. Organization, referral service, or attorney seeki	Part 5. Affirmation of provision of pro bono legal services (chose one)			Provide the total pro bono legal service hours performed during the past 3 years on matters in each immigration court location listed in Part 6 Section A. Attack additional sheets if necessary.				
• , , ,	ng inclusion on the List				Court Location	Total Hours	Court Location	Total Hours
The applicant is a (check one):		By checking this box the applicant organi		gh its attorneys or representatives to individus				
Non-profit Organization Pro Bono Referm	al Service Private Attorney	proceedings in each immigration	court location listed in Part 4.		Court Location			
		 Every attorney and accredited represented with EOIR. 	presentative who will represent clients p	ro bono before EOIR on behalf of the organiz	Court Location_	Total Hours	Court Location	Total Hours
Name		 No attorney or representative wh 		n behalf of the organization in cases pending l	Part 7. Declaration			
Name as it should appear on the List		EOIR is under an order of susper	ision, disbarment or other restriction lim	niting his/her practice of law.	rart /. Declaration			
Name(s) previously applied under (if not applicable enter "N/A")		By checking this box the applicant pro bo		fer its services to individuals in immigration o	This application is not considered co	emplete without a signature	A signature is required	in either Section A or Section B below,
	proceedings for each immigration court location listed in Part 4.			applicable. Authorized officers of organizations or pro bono referral services must complete Section A. Attorneys applying individual must complete Section B. By signing this form, the applicant hereby certifies the eligibility of the organization, referral service, or				
Part 2. Contact information		By checking this box the applicant attorne	y affirms that:		attorney to be included on the List.	g this form, the applicant i	nereoy certifies the eligibi	inty of the organization, referral service,
Number and Street	Suite	 He or she will provide annually at court listed in Part 4. 	east 50 hours of pro bono legal services	to individuals in proceedings in each immigr	Section A		Section B	
City	State Zip Code	 He or she is unable to provide pro 	ono legal services through or in associa	ation with an organization or pro bono referral				
Telephone Fax	service because any such organization or referral service is unavailable or the range of services provided by available organization(s) or referral services (s) are insufficient to address the needs of the community.			Under penalty of perjury, I declare: I am the authorized officer of Under penalty of perjury, I declare that I am a licensed attorney conganization/referral registered with EOIR (number) and that I am no				
Website	 He or she has submitted with this application a description of the good faith efforts he or she made to provide pro bono I services through an organization or pro bono referral service to individuals appearing before each immigration court loci 			service); I have examined this form, including the affirmations under any order of suspension, disbarment, or other restriction				
		services through an organization or listed in Part 4.	pro bono referral service to individuals	appearing before each immigration court loca	and belief it is true, correct, and compl		including the affirmation	ons and accompanying attachments, and to ledge and belief, it is true, correct, and
Part 3. Type of application (chose one)							complete.	ledge and belief, it is true, correct, and
		Part 6. Affirmation of provision annu-	ally of 50 hours of pro bono legal s	ervices for the past 3 years by organiza				
Initial request (includes a request by a provider who is currently on the List of Free Legal Service Providers and now seeks inclusion on the List of Pro Bono Legal Service Providers)		and attorneys (if initial request orapplicant is a pro bono referral service skip to Part 7)			Signature of authorized officer Signature of attorney			
Renewal request	Section A.			Print name of authorized officer		Print name of attorney		
Part 4. Immigration court locations and additional applicant information (complete Sections A and B)		By checking this box applicant affirms that: He, she, or it has provided pro bono legal services to the individuals listed below.			Print title of authorized officer Date			
Section A Section B		 He, sae, or it has provided pro bono legal services to the individuals listed below. The cases below represent, for each immigration court location where the provider appears on the List, at tlease 50 hour 						
Indicate below the name(s) of each Immigration Court location	List any specialties, limitations on providing pro bono legal services		3 years since the applicant's last approve	al to be on the List.	Date			
where the applicant intends to provide at least 50 hours of pro	(if an organization or attorney) or pro bono referrals (if a referral	Attach additional sheets if necessary.						unless it displays a valid OMB control number. hich impose the least possible burden on you to
bono legal services annually (if an organization or attorney) or refer individuals for pro bono legal services (if a referral	service), or comments that should be noted in the List for the corresponding court (e.g., children's cases or asylum cases only,	Alien Number of Court Individual(s) Represented Location	Hours of Dates Service Service Provided	Name and EOIR Registration Num of Representative (if available)	provide information. The estimated avera	age time to review the form, gar	other necessary materials, and	assemble the attachments is 30 minutes. If you
service).	criminal law specialty, staff speaks Spanish). Attach additional sheets	Individual(s) Represented Location	Service Provided	or Representative (if available)	Immigration Review, Office of the Genera	d Counsel, 5107 Leesburg Pike	, Suite 2600, Falls Church, Vi	ler, you can write to the Executive Office for ginia 22041.
	if necessary. If you listed more than one court location in Section A, specify the court or courts to which each speciality, limitation or		to					0, 1241. All information provided in this form is
Be specific in identifying the immigration court (for example, Adelanto, Varick Street, Chicago or Miami Krome, Detained).	comment applies. If the specialties, limitations, or comments		to					n the List of Pro Bono Legal Service Providers. submission of this form acknowledges that any
Attach additional sheets if necessary.	identified below apply to all immigration courts listed in Section A, please check this box:		to		applicant approved will be subject to disci	iplinary procedures including pu	ublic publication of findings o	f misconduct. EOIR may share this information
	please check this box:				Immigration Review. Certain information	n on initial applications, includi	ing the applicant's name and t	iders is authorized by the Executive Office for the immigration court locations selected, will be
Immigration Court Name(s)	Specialties/Limitations/Comments		to		disclosed to the public for comment prior t will not be disclosed as part of the public o		lication. Information pertainin	g to specific individuals receiving representation
1	1		to					
2	2		to		For more information about the List of Pro	a Dana Laral Samira Di-l		Optional Form EOIR-56
3	3				visit: http://www.justice.gov/eoir/probono	probono htm	•	Rev. (Month/Year)
4	4.		to					
		Section B						

For more information about the List of Pro Bono Legal Service Providers visit: http://www.justice.gov/eoir/probono/probono.htm

Optional Form EOIR-56 Rev. (Month/Year) For more information about the List of Pro Bono Legal Service Providers visit: http://www.justice.gov/eoir/probono/probono.htm

Optional Form EOIR-56 Rev. (Month/Year)

List of Pro Bono Legal Service Providers



Providers approved to be on the List of Free Legal Service Providers (LFLSP) before November 30, 2015, effective date of final rule

8 CFR § 1003.63(e)

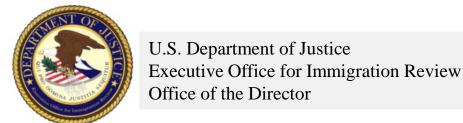
Follow application process as if new applicant except:

Attorneys on current LFLSP

Must file new application within 6 months of effective date of rule or before May 30, 2016 or name will be removed from the quarterly List published in July 2016

• Organizations and bar associations on current LFLSP

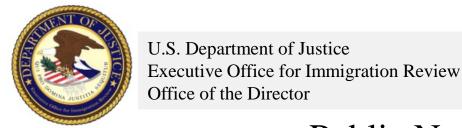
Must file within 1 year of effective date of rule or before November 30, 2016 or name will be removed from the quarterly List published in January 2017



Application Due Dates = at least 60 days in advance of next quarterly update

8 CFR § 1003.63(a)

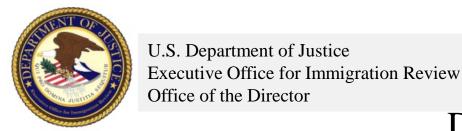
- Not later than February 1, 2016 for April 2016 Quarterly Update
- Not later than May 2, 2016 for July 2016 Quarterly Update
- Not later than August 2, 2016 for October 2016 Quarterly Update
- Not later than November 2, 2016 for January 2017 Quarterly Update



Public Notice and Comment

8 CFR § 1003.63(f)

- Names of applicants meeting qualifications for placement on the List will be posted by EOIR each quarter for a period of at least 15 days
- **Public comments and recommendations** for approval or disapproval of an application will be accepted within **30 days** of the date of posting of the names
 - Commenter must include name and address; comments and recommendations will be accepted electronically through EOIR's website or may be sent via regular mail with a proof of service on the applicant.
- Applicants have 15 days from date of service or notification to respond to comments, if they choose to



Decisions

8 CFR § 1003.64

Prior to issuing a decision

• Director may request additional information from the applicant to determine whether the applicant meets the qualifications for placement on the List

Approvals and Denials

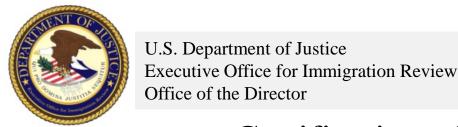
• Director will issue a written decision to approve or deny the application, and send it to the address provided by the applicant

Approved applications

• Applicant's name will be included on the List at the next quarterly update

List of Pro Bono

Legal Service Providers

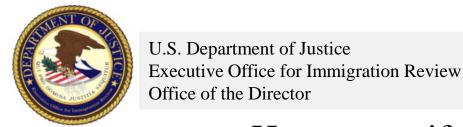


Certification of Continuing Eligibility

8 CFR § 1003.64(b)(2)

Every 3 Years

• All approved providers must certify continuing eligibility to provide pro bono legal services every 3 years from the date of approval, that is 3 years from the first day of the month the provider was placed on the List.



How to certify continuing eligibility

8 CFR § 1003.64(b)(2)

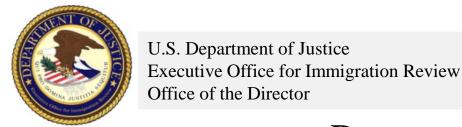
All providers (organizations, pro bono referral services and attorneys) must submit Form EOIR-56 or a declaration under penalty of perjury stating that the provider remains qualified to be included on the List

• Attorneys and Organizations also must include:

Alien registration numbers of clients in whose cases the provider rendered pro bono legal services representing at least 50 hours annually in each immigration court listed since last approval

• Organizations also must include:

Name(s), and, if available, the EOIR registration number(s) of the attorney(s) or representative(s) who provided the pro bono legal services

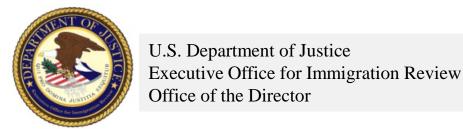


Duty to report changes

8 CFR § 1003.66

Providers are required to notify OLAP within 10 business days:

- In changes to contact information (address, telephone number, etc.)
- In eligibility under § 1003.62 (such as loss of recognition or non-profit status, organization no longer has an attorney or accredited representative on staff, attorney is disbarred or suspended, or provider is no longer able to provide pro bono legal services)
- In specific limitations to providing pro bono legal services



Electronic filings and communications

• The regulations allow for the Director to permit prospective and current providers to submit a wide range of documents electronically in the future as EOIR develops technology to manage and implement the List.



QUESTIONS REGARDING THE PRO BONO LIST?

Steven Lang, Director, Office of Legal Access Programs
Robert Dooley, Pro Bono List Administrator
www.justice.gov/eoir/probono/probono.htm
ProBono.List.Admin@usdoj.gov
703-756-8020

GENERAL QUESTIONS FOR EOIR?

 $Engage With EOIR @\,USDOJ.GOV$