

Recognition and Accreditation Program

Frequently Asked Questions



Office of Legal Access Programs

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.

For more detailed information on requirements, an organization should consult federal regulations (particularly 8 C.F.R. § 1292). 81 Fed. Reg. 92346 (Dec. 19, 2016).

FAQs Table of Contents

General:

1. What regulations govern the Recognition & Accreditation Program?
2. How do I find Recognized Organizations and Accredited Representatives?
3. Who is an authorized officer?
4. What are the authorized officer's responsibilities?
5. Can the authorized officer and an Accredited Representative be the same person for a Recognized Organization?
6. Where does OLAP provide information on the R&A Program?
7. What is OLAP's contact information? [REVISED]

Application Process:

8. Is there a fee to apply for recognition or accreditation?
9. Where should organizations send their applications for recognition or accreditation?
10. What is a proof of service?
11. To which USCIS office(s) must an organization send copies of the applications for recognition and accreditation?
12. How does an organization find the correct District Director on whom to serve the application packet and other documentation?
13. Once OLAP receives an application, how long does it take USCIS to respond?
14. What is OLAP's determination process?
15. Once OLAP receives an application, how long does it take to receive a determination?
16. What is the consequence of an organization receiving a recommendation from USCIS, whether for or against approval of an R&A application? [REVISED]
17. How does an organization request reconsideration of a disapproval determination from OLAP?
18. What are best practices for submitting an application and what are the common deficiencies that will slow down the determination process? [NEW]

Recognition:

19. What is a Recognized Organization?
20. If DOJ recognizes an organization, does that mean that the organization provides better immigration legal services than other, non-recognized organizations? [NEW]
21. How can a non-profit organization become recognized?
22. What are the eligibility requirements for an organization to become recognized?
23. What documentation is required to support an initial application for recognition?
24. What kind of budget should an organization submit with its application for recognition?
25. How does an organization demonstrate its religious, charitable, or social service, or similar mission?
26. How does an organization demonstrate that it is federally tax-exempt?
27. May a project apply for recognition using its fiscal sponsor's federal tax-exempt status?
[NEW]
28. How does an organization show its non-profit status?
29. How does an organization show that it primarily serves low-income and indigent clients?
30. Can organizations charge for services?
31. How does an organization show that its staff has adequate knowledge, information, and experience?
32. Can an organization still be recognized if it only has an attorney on staff but no Accredited Representative?
33. What happens if a Recognized Organization loses its Accredited Representative?
34. What is inactive status, and how long does it last?
35. Must an organization that provides immigration legal services at different office locations apply for recognition at each location?
36. Once an organization is recognized, does it have to report changes to OLAP?
37. How does an organization inform OLAP of changes?
38. Does recognition expire?
39. What is conditional recognition?
40. Can an organization lose its recognition?
41. When do the record-keeping requirements of the regulation take effect?

42. When does a Recognized Organization need to submit its annual summary of immigration legal services? [REVISED]

Accreditation:

43. What is an Accredited Representative?
44. What is the process for applying for accreditation?
45. What are the eligibility requirements for accreditation?
46. What documentation is required to support an initial application for partial accreditation?
47. What should the recommendation letters for accreditation address?
48. What does OLAP consider sufficient for a fundamentals course in immigration law and procedure? [NEW]
49. What does OLAP consider relevant, formal, immigration-related training? [NEW]
50. How should an organization document the training a proposed representative has received?
51. How should an organization calculate the duration of formal training attended by its proposed representative? [NEW]
52. What does OLAP consider in evaluating experience? [NEW]
53. What additional documentation must an organization submit when applying for full accreditation of a proposed representative? [NEW]
54. Must fully Accredited Representatives register with the online EOIR eRegistry program?
55. What will happen if OLAP disapproves an application for full accreditation? [NEW]
56. Can a Recognized Organization apply for accreditation of a representative at any time?
57. What should an Accredited Representative be titled under the new rule?
58. Does accreditation expire?
59. If an organization has multiple offices, may an Accredited Representative work at each one?

Renewal:

60. Do accreditation renewals and recognition renewals take place at the same time?
61. What documentation must an organization submit with an application for renewal of recognition compared to an organization seeking initial recognition?

- 62. Within the annual summary of immigration legal services that organizations are required to compile under 8 C.F.R. § 1292.14(b), should organizations include cases opened before and pending after the effective date of January 18, 2017?
- 63. How does an organization apply for recognition renewal while on inactive status?
- 64. What documentation is required in conjunction with an accreditation renewal application?

Extension of Recognition:

- 65. What is the difference between a branch and an extension?
- 66. When can a Recognized Organization apply for extension of recognition to one of its offices?
- 67. How does a Recognized Organization apply for an extension of recognition to one of its office locations?
- 68. Must a Recognized Organization with multiple approved extension offices have an Accredited Representative at each location?
- 69. Can an Accredited Representative work in any of the extension offices of a Recognized Organization?
- 70. How does an organization decide which office to designate as its headquarters when planning to seek extensions?

Transition to Current Rule:

- 71. Under the current rule, what new responsibilities do Recognized Organizations have?
- 72. Under the current rule, if a Recognized Organization has several offices, which office will determine whether the organization must renew within one, two, or three years from January 18, 2017?
- 73. Under the current rule, if a Recognized Organization lacked an Accredited Representative on January 18, 2017, did it automatically go into “inactive” status?
- 74. What happened to a Recognized Organization that lacked an Accredited Representative on January 18, 2017, and failed to renew its recognition and apply for a new Accredited Representative on or before January 18, 2018?
- 75. What will happen to a Recognized Organization that loses its only Accredited Representative after January 18, 2017?

76. What authority do BIA decisions on recognition and accreditation have under the current rule?

Appendices:

- A. Sample Annual Summaries
- B. Sample Training Lists [NEW]

Frequently Asked Questions

General:

1. What regulations govern the Recognition & Accreditation Program?

On December 19, 2016, a new rule on the Recognition and Accreditation (R&A) Program was published in the Federal Register. *See* 81 Fed. Reg. 92346 (Dec. 19, 2016).

The rule took effect on January 18, 2017, and it transferred authority for regulation and adjudication of applications for organizations' recognition and individuals' accreditation from the Board of Immigration Appeals (BIA) to the Office of Legal Access Programs (OLAP). Both of these components are within the Executive Office for Immigration Review (EOIR) at the U.S. Department of Justice (DOJ).

2. How do I find Recognized Organizations and Accredited Representatives?

Recognized Organizations and Accredited Representatives are listed alphabetically on the Roster of Recognized Organizations and Accredited Representatives (Roster), which is maintained by OLAP and can be found on the OLAP website: <https://www.justice.gov/eoir/recognition-and-accreditation-program>. The Roster includes the names and addresses of active Recognized Organizations and the names of their Accredited Representatives.

The Roster also identifies the type of accreditation for each representative. An Accredited Representative who received partial accreditation has the designation "DHS only" after his/her name, which indicates that the representative is only authorized to represent clients before the Department of Homeland Security (DHS). An Accredited Representative who received full accreditation is authorized to represent clients before DHS and EOIR (the immigration courts and the BIA) and has no added designation after his/her name.

3. Who is an authorized officer?

In order to qualify for recognition, an organization must have an authorized officer. 8 C.F.R. § 1292.11(a)(5). An authorized officer is someone who has authority to speak and act on behalf of the organization in matters related to the R&A Program. He or she need not be in the highest position of authority at the organization but should be someone who is familiar with the organization's immigration services and is accessible to speak to OLAP on an as-needed basis. The authorized officer will be the principal point of contact with OLAP for all recognition and accreditation matters.

4. What are the authorized officer's responsibilities?

The authorized officer applies for recognition on behalf of the organization and for the accreditation of the organization's representatives. He/she must review and affirm the truth of all information and supporting documents provided with applications for recognition and/or accreditation. For example, the authorized officer should make sure that:

- The application forms are completed correctly, signed, and dated;
- All of the documentation required by the regulations are included with the applications;
- All letters of recommendation have been signed; and
- Resumes are updated and include the individual's relevant immigration experience.

The authorized officer also has the duty to report to OLAP, promptly and in writing, any material changes in the organization or to its Accredited Representatives, including alterations to:

- The organization's name, mailing address, phone number, web address, email address, structure, or non-profit or federal tax-exempt status;
- The identity or designation of the authorized officer; and
- The status of an Accredited Representative with the organization (e.g. the date that an Accredited Representative left the organization and if he or she was the last Accredited Representative at the organization).

See 8 C.F.R. § 1292.14(a). Organizations that have not had contact with OLAP since the implementation of the current regulations on January 18, 2017, should mail OLAP a letter designating the organization's authorized officer. Organizations must have an authorized officer by the time they seek renewal of recognition, renewal of an existing representative's accreditation, or accreditation of a new representative.

5. Can the authorized officer and an Accredited Representative be the same person for a Recognized Organization?

It is possible for the authorized officer to be an Accredited Representative. However, the authorized officer should be a person who is at a sufficient level of authority within an organization to act on its behalf by completing applications and certifying the truth of the contents of the applications. *See* 8 C.F.R. § 1292.11(a)(5).

6. Where does OLAP provide information on the R&A Program?

OLAP's website has additional information on the R&A Program, including links to the required forms, the relevant regulations, and the R&A Rosters. The website is available at <https://www.justice.gov/eoir/recognition-and-accreditation-program>.

7. What is OLAP's contact information? [REVISED]

Email: R-A-Info@usdoj.gov

Mail: R&A Coordinator
Office of Legal Access Programs
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2500
Falls Church, VA 22041

Phone Number: (703) 305-9029

Fax Number: (703) 305-9884

Application Process:

8. Is there a fee to apply for recognition or accreditation?

No, there is no fee to apply for recognition or accreditation.

9. Where should organizations send their applications for recognition or accreditation?

Organizations should send complete original applications and supporting documentation to the R&A Coordinator at OLAP's mailing address listed in FAQ #7.

Organizations must serve exact copies of the application and any supplemental information on the appropriate DHS U.S. Citizenship and Immigration Services (USCIS) District Office(s). Organizations must also provide OLAP with proof of service on the correct USCIS District Office.

10. What is a proof of service?

In this context, a "proof of service" (or a "certificate of service") is an organization's formal guarantee to OLAP that it has sent an exact copy of its submission to the appropriate USCIS District Office(s). USCIS has the same obligation to the organization when it provides OLAP any documentation in response to the organization's application.

Every submission related to an application for recognition or accreditation, whether an application, supporting documentation, recommendation, extension request, response to a recommendation, or other formal submission, must contain a proof of service.

The recognition application, Form EOIR-31 at page 4, Part 12, and the accreditation application, Form EOIR-31A at page 3, Part 7, contain a proof of service. These sections should be completed, dated, and signed, indicating which USCIS District Office(s) have been served. Routine correspondence with OLAP, such as reporting changes as required under 8 C.F.R. § 1292.14(a), need not be served on USCIS.

Below is an example of a properly completed proof of service.

Part 12. Proof of Service on USCIS District Director(s)

I, John Doe (print name), on behalf of ABC Legal Services (organization),

mailed or delivered a copy of this Form EOIR-31 and its attachments to the District Director(s) for USCIS of DHS

on Feb. 2, 2018 (Day/Month/Year) at the following location(s):

(1) SAN ANTONIO DISTRICT OFFICE
20760 US-281, Suite A San Antonio TX 78258
Number and Street City State Zip Code

(2) _____
Number and Street City State Zip Code

(3) _____
Number and Street City State Zip Code

Signature



11. To which USCIS office(s) must an organization send copies of the applications for recognition and accreditation?

An organization must send a copy of its complete application packet to the USCIS District Director in the jurisdiction where the organization's headquarters is located and to the USCIS District Office(s) where immigration legal services will be rendered, if that is a different USCIS District. For example, if an organization's headquarters is in Dallas, TX, but the immigration legal services office is in San Antonio, TX, the organization must send copies of the complete application packet to both the Dallas District Office and the San Antonio District Office.

12. How does an organization find the correct District Director on whom to serve the application packet and other documentation?

The District Director's name and address can be found on USCIS' website at <http://www.uscis.gov/about-us/find-uscis-office/field-offices>. Use the Field Office Locator by entering the organization's zip code to bring up the appropriate Field Office, then scroll down to the second-to-last hyperlink from the bottom of the page that says "Attorney or Representative Procedures." Click on the hyperlink. [See example below]

Texas - El Paso Field Office

[Versión en español](#)

Office Address: [1545 Hawkins Boulevard, Suite 167, El Paso, TX 79925](#)

Do not send completed forms or documentation to this address. You must send your documentation to the address listed on your form.

See Filing Information below.

Office Days/Hours:

Monday 7:30 a.m. - 3:00 p.m.

Tuesday 7:30 a.m. - 3:00 p.m.

Wednesday 7:30 a.m. - 3:00 p.m.

Thursday 7:30 a.m. - 3:00 p.m.

Friday Closed

Saturday Closed

Sunday Closed

Schedule an Appointment

In order to visit this office or to speak with an immigration services officer, you must have an appointment scheduled by USCIS, or you must schedule an InfoPass appointment.

[SCHEDULE AN APPOINTMENT](#)

Field Office Director: Margaret Hartnett

District Director: Mario Ortiz

Central Region

[✕ Close All](#) [↗ Open All](#)

▸ [Service Area](#)

▸ [Parking and Accessibility](#)

▸ [Avoid Immigration Scams](#)

▸ [Filing Information](#)

▸ [Field Office Services](#)

▸ [Attorney or Representative Procedures](#)

▸ [Prohibited Items](#)




At the end of the second paragraph under “Becoming an Accredited Representative,” click on the hyperlink for “District Office.”

▼ Attorney or Representative Procedures

If you are an attorney seeking information, you must make an [InfoPass](#) appointment with the office that has jurisdiction over your client's residential address. You must make a separate appointment for each client you wish to discuss.

Becoming an Accredited Representative

If you are not an attorney and wish to provide the public with immigration services, you must be authorized by the Department of Justice (DOJ)'s Executive Office for Immigration Review (EOIR). More information is available on how an organization can apply for recognition and accreditation at the [District Office](#).




Mail a copy of the application packet and supplemental documents to the appropriate District Director. Do not send application packets to the Field Office listed on the first screen.

District 18 - San Antonio District Office

District Director: Mario Ortiz

Mailing Address

20760 US-281 Suite A
San Antonio, TX 78258



13. Once OLAP receives an application, how long does it take USCIS to respond?

When OLAP receives an application, USCIS has 30 days to review it and respond with a recommendation. If USCIS submits an unfavorable recommendation, the organization has 30 days to respond. Both USCIS and the organization are able to request an extension of time to submit a recommendation or response, though neither extension is automatic.

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

14. What is OLAP's determination process?

When OLAP receives an application for recognition or accreditation, it reviews all of the documentation in the application packet, as well as the recommendation letter from USCIS, if any, and issues a written determination on each application. OLAP mails copies of the determination letter to the organization and the relevant USCIS District Office(s). If OLAP approves an application, the name(s) of the Recognized Organization and/or Accredited Representative(s) will be added to the R&A Rosters.

15. Once OLAP receives an application, how long does it take to receive a determination?

The processing time varies depending on how complete the initial application is. The average processing time for complete applications is around two months. However, multiple situations could delay OLAP's issuance of a final determination. For example, if the organization does not submit all of the required documentation, does not include the required signatures on forms, or fails to serve a copy of the application on USCIS, OLAP may request supplemental documentation and provide USCIS an opportunity to review the documentation. In addition, USCIS can request an extension of time to submit its recommendation letter, which will further extend the processing time.

16. What is the consequence of an organization receiving a recommendation from USCIS, whether for or against approval of an R&A application? [REVISED]

USCIS is a valued partner in OLAP's R&A process. The regulations at 8 C.F.R. § 1292.13(b) allow USCIS 30 days from service of an organization's application to submit a recommendation to the OLAP Director. USCIS may recommend approval or disapproval of an R&A application. **A USCIS recommendation is not the final determination on a pending R&A application.** Rather, OLAP will take the recommendation into account but make an independent decision based on the requirements of the regulation.

In the case of an unfavorable recommendation, an organization has 30 days from service of the recommendation to submit a response to OLAP. The organization must also submit proof of service of the response on the USCIS office that provided the recommendation. (See FAQs #10, 11, 12 on serving documents on USCIS.) An unfavorable recommendation will heighten OLAP's scrutiny of the pending application, and OLAP will examine whether the organization's response addresses the points raised by USCIS before making a final determination.

17. How does an organization request reconsideration of a disapproval determination from OLAP?

An organization that receives a disapproval or termination of recognition or accreditation may make a request for reconsideration to the OLAP Director within 30 days of the determination. There is no form for the request, but the request should identify any factual or legal errors in the underlying determination or otherwise explain the basis for requesting reconsideration.

If the OLAP Director denies the reconsideration, the organization can request administrative review of the reconsideration denial by the Director of EOIR, who has discretionary authority to review such a denial. The organization may request such a review within 10 days of the denial, identifying the factual and legal errors in the underlying determination.

Where the OLAP determination disapproves the renewal of an organization's recognition or a representative's accreditation, the recognition or accreditation will remain valid pending the reconsideration and administrative review processes. Requests for both reconsideration by the OLAP Director and administrative review by the Director of EOIR should be sent to the OLAP Director, within the respective time limits, by USPS mail or other delivery service to the address listed in FAQ #7.

Requests for reconsideration or administrative review should not include new documentation of eligibility. New documents must be submitted with a new application.

18. What are best practices for submitting an application and what are the common deficiencies that will slow down the determination process? [NEW]

Best Practices

- Please do not print your application double sided.
- Please do not include entire PowerPoint presentations or instructional manuals as proof of attendance at a training. If an agenda or list of topics were not provided by the training instructor, you can include a list of topics covered in the training.
- Please ensure that the applications include a valid phone number and email address for the authorized officer. See FAQ #3 for more information on who the authorized officer should be.
- If you are sending motions or other work product that contains clients' personally identifiable information, please ensure that this information is redacted in full before sending the documentation to OLAP.
- Ensure that your cover letters and letters of recommendation cite to current, not repealed, R&A regulations and are addressed to OLAP rather than to the Board of Immigration Appeals.
- Please do not send original and/or non-required documents containing personally identifiable information, such as birth certificates, copies of passports, or social security cards.

Common deficiencies that will slow down the determination process

- Please make sure that all parts of the form EOIR-31 (Part 11 and Part 12) and EOIR-31A (Part 6 and Part 7) are signed and completed.
- If your organization is already recognized, before submitting an application, please check the Recognition and Accreditation Roster (available at <https://www.justice.gov/eoir/recognition-accreditation-roster-reports>) to ensure that your organization's address is up to date. If the address is not correct, please include with your application a letter signed by your authorized officer informing OLAP of the address change. In the alternative, if your organization has already designated its authorized officer to OLAP, the authorized officer can send an email to R-A-Info@usdoj.gov informing OLAP of the change of address.
- Please ensure that the authors of letters of recommendation are qualified to write the letters. See FAQs #43 and 44 for more information on who is qualified to write letters of recommendation.

- Do not submit “form” or “boilerplate” letters of recommendation that merely change the proposed representative’s name. The letters should describe in detail the proposed representative’s qualifications to be an Accredited Representative and the author’s personal knowledge thereof.
- For accreditation renewal applications, please only send proof of formal, immigration-related training taken since the date of last accreditation, not evidence of prior trainings taken.
- For extension of recognition applications, please submit the evidence of eligibility. Review 8 C.F.R. § 1292.15 and FAQs #65-70 for more information.
- For renewal of recognition applications, please submit an annual summary for each calendar year and/or partial year to date. See 8 C.F.R. § 1292.14(b), 1292.16(c)(1), and FAQs #41, 42, and 61 for more information.
- Ensure that your letters are mailed to OLAP, not the Board of Immigration Appeals.

Recognition:

19. What is a Recognized Organization?

An organization is “recognized” when OLAP gives a non-profit organization in the United States permission to practice immigration law through Accredited Representatives before DHS only (partial accreditation) or before DHS and EOIR (full accreditation). EOIR includes the immigration courts and the BIA. By regulation, a non-profit, federally tax-exempt, religious, charitable, social service, or similar organization established in the United States that has been approved for recognition is called a Recognized Organization. (See FAQ #43 on Accredited Representatives.)

An organization that seeks to practice immigration law solely through attorneys does not need to be recognized by OLAP because attorneys are authorized to appear before DHS and EOIR without DOJ Recognition or Accreditation.

20. If DOJ recognizes an organization, does that mean that the organization provides better immigration legal services than other, non-recognized organizations? [NEW]

DOJ Recognition of an organization does not constitute an endorsement of the organization by DOJ but rather indicates that the organization is qualified to provide immigration legal services through non-attorney staff members or volunteers in accordance with federal regulations. Organizations that provide services only through attorneys cannot apply for DOJ Recognition because those organizations are already authorized to practice immigration law. An organization’s lack of DOJ Recognition should not be construed as a comment on the legitimacy of any services provided.

21. How can a non-profit organization become recognized?

A non-profit organization interested in obtaining recognition must apply with OLAP and be approved. To apply for recognition, the organization must submit to OLAP a *Request for New Recognition, Renewal of Recognition, or Extension of Recognition of a Non-Profit Religious, Charitable, Social Service, or Similar Organization* (Form EOIR-31), using the January 2017 version. Form EOIR-31 is available at EOIR’s website through the following link, <https://www.justice.gov/eoir/file/eoir31/download>. The organization should also read the requirements for recognition found in the regulation at 8 C.F.R. § 1292.11 (<https://www.federalregister.gov/documents/2016/12/19/2016-29726/recognition-of-organizations-and-accreditation-of-non-attorney-representatives>) and be sure to include all required documents in the application packet. (See FAQ #23 on documentation required for initial recognition applications.)

All documents submitted to OLAP must be served on the appropriate USCIS District Director office(s). (See FAQs #10, 11, 12 on serving documents on USCIS.)

22. What are the eligibility requirements for an organization to become recognized?

To be eligible for initial recognition, an organization must meet the requirements described at 8 C.F.R. § 1292.11, including:

- Establish that it is a non-profit religious, charitable, social service, or similar organization;
- Demonstrate that it provides immigration legal services primarily to low-income and indigent clients within the United States;
- Demonstrate the organization's currently valid federal tax-exempt status or pending application for the same;
- Apply simultaneously to have at least one employee or volunteer approved as an Accredited Representative;
- Demonstrate access to adequate knowledge, information, and experience in immigration law and procedure; and
- Designate an authorized officer to act on its behalf.

23. What documentation is required to support an initial application for recognition?

An organization seeking initial recognition must submit the following documentation as required by the regulations at 8 C.F.R. § 1292.11:

- ☐ Form EOIR-31
- ☐ Proof of currently valid non-profit status
- ☐ Organizing documents, including a mission or purpose statement (e.g. bylaws, articles of incorporation, etc.)
- ☐ Summary of the immigration legal services to be provided
- ☐ Fee schedule (if fees are charged)
- ☐ Detailed policies for fee waiver and reduction (if fees are charged)
- ☐ Immigration legal services budget for current year
- ☐ Immigration legal services budget for prior year (if the organization was not yet operational in the prior year, then submit a second budget for the upcoming year)
- ☐ Proof of currently valid federal tax-exempt status or that such status is applied for and pending
- ☐ Application for accreditation of at least one proposed representative (Form EOIR-31A, with supporting documentation)
- ☐ Proof of access to adequate knowledge, information, and experience in all aspects of immigration law and procedure
 - Description of available legal resources
 - Organizational chart with names, titles, and supervisors of immigration legal staff members
 - Description of the qualifications, experience, and breadth of immigration knowledge of these staff members

- Proof of any agreement entered into with non-staff immigration practitioners or recognized organizations for consultations or technical legal assistance

24. What kind of budget should an organization submit with its application for recognition?

The rule requires an organization to supply its annual budget for providing immigration legal services for the current and past year. A budget should include information about the organization's operating expenses and its sources of revenue (e.g. fees for services, grants, donations). If the budgets for the current and past years are unavailable because the organization did not offer immigration legal services during those years, the organization must supply a projected annual budget for the upcoming year. *See* 8 C.F.R. § 1292.11(c). A budget should be sufficiently detailed and include:

- Information about the organization's operating expenses and its sources of revenue (e.g. fees for services, grants, donations);
- A list and explanation of each source of any grants received and funds being sought, even if not yet received; and
- A description of in-kind contributions, including volunteer time and office space.

If the organization is part of a larger organization with varied services, the immigration legal services budget should be separated out of the annual budget of the larger organization.

25. How does an organization demonstrate its religious, charitable, social service, or similar mission?

An organization must submit a copy of its organizing documents and include a statement showing its religious, charitable, social service, or similar mission. *See* 8 C.F.R. § 1292.11(b). An organization may also want to provide letters of recommendation from community members, particularly letters showing the organization's involvement in and commitment to the community it serves and the quality of its services.

26. How does an organization demonstrate that it is federally tax-exempt?

The regulations provide that proof of federal tax-exempt status can consist of a currently valid IRS tax-exemption determination letter, alternative documentation to establish IRS tax exemption, or proof that the organization has applied for tax-exempt status. 8 C.F.R. § 1292.11(d). The rule provides for alternative documentation because it acknowledges that some alternative service models may exist that can be eligible to apply for recognition. For example, OLAP has recognized some government entities such as libraries and schools as alternative service models that are tax-exempt.

27. May a project apply for recognition using its fiscal sponsor's federal tax-exempt status?
[NEW]

Generally no. Applicant organizations must meet each eligibility requirement listed at 8 C.F.R. § 1292.11. Two or more different entities may not join forces to meet all of the requirements among themselves. One of the eligibility criteria is that an applicant organization must *be* a federal tax-exempt organization (as opposed to merely *having* federal tax-exempt status). A project generally may not use a fiscal sponsor's federal tax-exempt status to apply for recognition. The organization that is providing the immigration legal services must meet each requirement by itself, including being federally tax-exempt. 8 C.F.R. § 1292.11(a)(2).

28. How does an organization show its non-profit status?

An organization should submit paperwork evidencing that its non-profit status is currently valid with its state Secretary of State or similar agency.

29. How does an organization show that it primarily serves low-income and indigent clients?

Under 8 C.F.R. § 1292.11(b), an organization must submit:

- A copy of its organizing documents, including a statement of its mission or purpose;
- A declaration from its authorized officer attesting that it serves primarily low-income and indigent clients;
- A summary of the legal services to be provided;
- Its annual budget for the current year and, if available, its annual budget for the previous year (See FAQ #24 on budgets); and
- If an organization charges fees for legal services, then the organization must also submit fee schedules and organizational policies or guidance regarding fee waivers or reduced fees based on financial need.

The organization may also submit additional documentation to demonstrate service to primarily low-income and indigent individuals, such as reports prepared for funders or information about other free or low-cost immigration-related services that it provides (e.g. educational or outreach events).

30. Can organizations charge for services?

Yes. But the organization must declare and document that it serves primarily low-income and indigent clients. As the organization must be non-profit and federally tax-exempt to be recognized, the documents showing the organization's fee schedules, revenue, and budget will be reviewed by OLAP. The current rule also requires proof of organizational policies regarding fee waivers or reduced fees based on financial need.

The prior restrictions under the old rule about nominal fees/charges are no longer applicable for the R&A Program. Nevertheless, the organization's fee structure must be geared toward making immigration legal services available to primarily low-income and indigent clients.

31. How does an organization show that its staff has adequate knowledge, information, and experience?

To show that its staff has adequate knowledge, information, and experience, an organization must submit:

- A description of the immigration legal services that the organization seeks to offer;
- A description of the legal resources to which the organization has access;
- An organizational chart showing names, titles, and supervisors of immigration legal staff members;
- A description of the qualifications, experience, and breadth of immigration knowledge of these staff members, including but not limited to: résumés, letters of recommendation, certifications, and a list of all relevant, formal immigration-related trainings attended by staff members; and
- Any agreement or proof of a formal arrangement entered into with non-staff immigration practitioners or Recognized Organizations for consultations or technical legal assistance.

32. Can an organization still be recognized if it only has an attorney on staff but no Accredited Representative?

It depends. The purpose of recognition is to allow organizations to provide legal representation to low-income or indigent individuals through non-attorney Accredited Representatives, whether or not the organization has attorneys on staff. An organization that is offering immigration legal services by attorneys only does not need DOJ Recognition because the attorneys are already authorized to practice immigration law.

If an organization is applying for initial recognition, it must simultaneously apply for the accreditation of at least one employee or volunteer who qualifies for accreditation and who will be providing services on behalf of the organization. OLAP will not consider applications for initial recognition that do not have an accompanying application for accreditation.

As of January 18, 2018, if a Recognized Organization applies for renewal of recognition but only has attorneys on staff because the organization lost its last Accredited Representative, OLAP will place the organization on inactive status for up to two years as of the date the last Accredited Representative left the organization. *See* 8 C.F.R. § 1292.16(i). The OLAP Director, in his discretion, may still approve an application for renewal of recognition of a Recognized Organization that is on inactive status. (See FAQ #34 on inactive status.)

33. What happens if a Recognized Organization loses its Accredited Representative?

The regulations require Recognized Organizations to promptly notify OLAP of material changes, including changes in personnel of Accredited Representatives. If all of the Accredited Representatives leave a Recognized Organization, the organization will be placed on inactive status and will not appear on the Roster. A Recognized Organization that loses all of its accredited staff is precluded from offering immigration legal services unless the organization also has an attorney on staff. (See FAQ #34 on inactive status.)

34. What is inactive status, and how long does it last?

Inactive status indicates that the Recognized Organization does not currently have an Accredited Representative, although it did at one time. Inactive status can continue for up to two years from the date the organization was placed on inactive status, which is the date the organization lost its last Accredited Representative. This allows the organization time to apply for and have approved the accreditation of one or more new representatives. Once at least one accreditation application is approved, the organization's recognition is returned to active status. *See* 8 C.F.R. § 1292.16(i).

35. Must an organization that provides immigration legal services at different office locations apply for recognition at each location?

It depends. If an organization offers immigration legal services at an office location only through attorneys, the organization does not need to apply for recognition of that location. However, if an organization seeks to offer immigration legal services at an office location through a non-attorney, then the organization must apply for recognition of that location and accreditation of at least one individual. If there are multiple office locations, the organization can decide to apply for recognition of the offices either separately or jointly through an extension of the headquarters' recognition. (See FAQ #65 on branches and extensions.)

36. Once an organization is recognized, does it have to report changes to OLAP?

Yes. The authorized officer of the organization must promptly report to OLAP through written correspondence any material changes to the information contained in its applications for recognition and accreditation. *See* 8 C.F.R. § 1292.14(a). (See FAQ #4 on responsibilities of an authorized officer.) Failure to promptly report material changes could lead to administrative termination of the organization's recognition. *See* 8 C.F.R. § 1292.17(b)(5).

37. How does an organization inform OLAP of changes?

The authorized officer must inform the OLAP Director of any changes in writing by USPS mail or other delivery service to OLAP's address listed in FAQ #7.

38. Does recognition expire?

Yes. Recognition under the rule is valid for a period of six years from the date of OLAP's approval of recognition, unless the organization has been granted conditional recognition, which is valid for two years. Applications for renewal must be postmarked by the last day of the recognition period; however, OLAP encourages organizations to submit renewal applications 60 days or more prior to the expiration date. (See FAQ #60 on renewal applications.)

39. What is conditional recognition?

Conditional recognition is granted to an organization that has not been previously recognized, has federal tax-exempt status pending, or has been approved for recognition after recognition was previously terminated. Conditional recognition is valid for two years.

40. Can an organization lose its recognition?

Yes. OLAP may terminate recognition of any organization that has failed to maintain the qualifications required for recognition or that is subject to disciplinary sanctions. *See* 8 C.F.R. § 1292.17.

When OLAP terminates 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 R&A Rosters. The organization and its staff can no longer use DOJ Recognition or Accreditation status in community outreach, to file forms, or to enter appearances before DHS or EOIR (using Forms G-28, EOIR-27, or EOIR-28). Claiming DOJ Recognition or Accreditation status after an organization's recognition is terminated would be considered the unauthorized practice of immigration law.

41. When do the record-keeping requirements of the regulation take effect?

The regulation's recordkeeping requirements apply as of the effective date of January 18, 2017, not before. *See* 8 C.F.R. § 1292.14(b). Recognized Organizations that pre-dated the effective date of the regulation and are submitting an application for renewal of recognition must include the fee schedules and annual summary of immigration legal services compiled since January 18, 2017. (See FAQs #42, 61 on the annual summary.)

42. When does a Recognized Organization need to submit its annual summary of immigration legal services? [REVISED]

The first time an organization submits an application for renewal of recognition under the current regulation (according to the timeframes described at 8 C.F.R. § 1292.16(h)), the organization

should provide a summary of immigration legal services it provided for each calendar year, beginning on January 18, 2017. The information should be separated by year and/or partial year from the date of the application. For example, an organization whose recognition is expiring on January 18, 2019, should submit an annual summary that separately accounts for services provided in: (1) January 18, 2017-December 31, 2017; (2) January 1, 2018-December 31, 2018; and (3) January 1, 2019-January 17, 2019 (if the application is submitted in 2019). Thereafter, once renewed, organizations must submit with their next renewal request an annual summary of immigration legal services provided for each of the last six years since renewal. See Appendix A for examples of Annual Summary formats.

Accreditation:

43. What is an Accredited Representative?

A representative is “accredited” when OLAP authorizes a specially qualified non-lawyer to represent individuals in immigration legal matters. OLAP will accredit non-lawyer representatives only when they work or volunteer for a Recognized Organization but will never accredit a non-lawyer representative who tries to practice immigration law on his or her own. A representative’s accreditation is specific to the Recognized Organization and does not follow the representative if he or she leaves the organization. (See FAQ #19 on Recognized Organizations.)

There are two kinds of accreditation: “partial” and “full.” A partially Accredited Representative may represent individuals before DHS only. A fully Accredited Representative may represent individuals before both DHS and EOIR, which includes the immigration courts and the BIA.

44. What is the process for applying for accreditation?

Only a Recognized Organization or an organization seeking recognition may apply for accreditation on behalf of an individual. To apply for a representative’s accreditation, the organization must submit to OLAP a *Request by Organization for Accreditation or Renewal of Accreditation of Non-Attorney Representative* (Form EOIR-31A), using the January 2017 version. Form EOIR-31A is available at EOIR’s website through the following link, <https://www.justice.gov/eoir/file/eoir31A/download>. The organization should also read the requirements for accreditation found in the regulation at 8 C.F.R. § 1292.12 (<https://www.federalregister.gov/documents/2016/12/19/2016-29726/recognition-of-organizations-and-accreditation-of-non-attorney-representatives>) and be sure to include all required documents in the application packet. (See FAQ #46 on documentation required for initial accreditation applications.)

All materials submitted to OLAP must be served on the applicable USCIS District Director’s office(s). (See FAQs #10, 11, 12 on serving documents on USCIS.)

45. What are the eligibility requirements for accreditation?

To establish an individual’s eligibility for accreditation, an organization must meet the requirements under the regulations at 8 C.F.R. § 1292.12, which include demonstrating that the individual:

- Has the character and fitness to represent clients before DHS and/or EOIR;
- Is employed by or is a volunteer of the organization;
- Is not an attorney, as defined by 8 C.F.R. § 1001.1(f);
- Has not resigned while a disciplinary investigation or proceeding is pending or is the subject of an order restricting the individual in the practice of law;

- Has not been found guilty of, or pleaded guilty to, a serious crime; and
- Possesses broad knowledge and adequate experience in immigration law and procedure.

46. What documentation is required to support an initial application for partial accreditation?

Organizations that submit an initial application for partial accreditation of a proposed representative must include the following documentation as required by the regulations at 8 C.F.R. § 1292.12:

- ☐ Form EOIR-31A
- ☐ Proof of the proposed representative's broad knowledge and adequate experience in immigration law and procedure
 - Current résumé that describes qualifications to be an Accredited Representative, including education and immigration law experience
 - List of all relevant training in immigration law and procedure, including at least one formal course on the fundamentals of immigration law, procedure, and practice (See FAQ #50 on documenting training attended and the samples in Appendix B.)
 - At least two letters of recommendation attesting to the proposed representative's broad knowledge and adequate experience in immigration law and procedure (The authors must be qualified to write the letters, both because they are familiar with the applicant's qualifications and because they themselves are familiar with immigration law and procedure.)

Organizations that seek full accreditation for a proposed representative, should consult FAQ #53 for additional documentary requirements.

47. What should the recommendation letters for accreditation address?

The regulation on accreditation refers to at least two letters describing proof of the proposed representative's knowledge and experience; thus, the letters must address that subject, and the author must be qualified to write on that subject. 8 C.F.R. § 1292.12(c). The letters should provide detailed information on the authors' familiarity with the proposed representative's qualifications rather than just conclusory statements that the proposed representative "has broad knowledge and adequate experience in immigration law." The same or different letters may also address the proposed representative's character and fitness, which is helpful to support that requirement.

48. What does OLAP consider sufficient for a fundamentals course in immigration law and procedure? [NEW]

A new application for accreditation must include documentation of all of the proposed representative's relevant, formal, immigration-related training. This documentation must include

proof that the proposed representative completed at least one course on the fundamentals of immigration law, procedure, and practice. 8 C.F.R. § 1292.12(c). While the specific content and duration of a fundamentals course may vary, the curriculum should be designed to give the attendee a broad overview of immigration law as it relates to the typical clients a Recognized Organization will see. Generally, a fundamentals course in immigration law should cover various forms of relief before the immigration courts and DHS, such as naturalization, family-based petitions, grounds of inadmissibility and removability, removal defenses, immigration consequences of crimes, and case management. Courses focusing primarily on the history of U.S. immigration law and theoretical concepts will generally not satisfy the requirement without an additional practical course or training, such as through a law school immigration law clinic.

49. What does OLAP consider relevant, formal, immigration-related training? [NEW]

Federal regulations at 8 C.F.R. § 1292.12(c) require that Accredited Representatives document all the “relevant, formal immigration-related training” they have taken. Those seeking renewal of accreditation must likewise demonstrate that they have continued to receive formal training in immigration law and procedure for each year since the last date of approval. 8 C.F.R. § 1292.16(c)(2).

Training must be relevant and should show that it is “commensurate with the services the organization provides....” 8 C.F.R. § 1292.16(c)(2). If an organization only provides naturalization legal services, for example, the topics covered in the trainings a representative has taken should reflect this focus. The trainings may also cover other topics related to immigration law and procedure. However, trainings that are not related to the organization’s stated legal services may not be considered by OLAP to be as relevant when making a determination on the application.

Training must also be formal. It should be preplanned rather than impromptu and taught by a qualified instructor. The purpose of the training should be to educate attendees on specific aspects of immigration law and procedure. Accreditation applications, whether initial or renewal, should include a list of trainings attended, indicating the title of the training, the provider’s name, date(s) and duration of the training, the names and titles of presenters, the topics covered, whether the training was attended in person or through other means, and whether the training was open to the public. *See* FAQ #45. Examples of activities that OLAP does not consider formal training are self-study, case-review meetings, stakeholder meetings at USCIS, and volunteering at workshops. However, these activities could be used to evaluate a representative’s immigration law experience. *See* FAQ #51.

Finally, training must be related to immigration law and procedure. Trainings in non-immigration law topics or in program management alone are likely insufficient to satisfy the requirement.

50. How should an organization document the training a proposed representative has received?

An organization should provide the following information about each formal training attended by its proposed representative:

- ☐ Training title
- ☐ Sponsor/provider
- ☐ Date(s) of attendance
- ☐ Duration of substantive content of formal training, not self-study (# of hours)
- ☐ Presenter's name
- ☐ Presenter's title
- ☐ Topics covered
- ☐ Whether attendance was via webinar or in person
- ☐ Whether the training was open to the public
- ☐ Evidence of completion of the training
- ☐ Test results, if any

Copies of PowerPoint handouts and other similar materials should not be included in the application. See Appendix B for sample training lists.

51. How should an organization calculate the duration of formal training attended by its proposed representative? [NEW]

Accreditation applications should include a list of all relevant, formal, immigration-related trainings taken, including the duration of each. Calculate the durations using only time spent receiving formal instruction. Do not include hours spent in self-study, homework, test-taking, or preparation for a course. Often the duration will be reflected on a certificate of completion. If the training consisted of multiple sessions, calculate the time spent in each relevant session. Do not include the time spent registering, taking breaks, or eating lunch.

52. What does OLAP consider in evaluating experience? [NEW]

Federal regulations require that an application for accreditation demonstrate that the proposed representative possess broad knowledge and adequate experience in immigration law and procedure. 8 C.F.R § 1292.12(a)(6). OLAP will evaluate adequate experience on a case-by-case basis, taking into account the proposed representative's immigration law employment history, volunteer work, shadowing, and any other hands-on immigration law background. In addition to the amount of experience an individual has, OLAP will take into account the type of experience as well as the supervision the individual received in the course of the immigration work. For the purpose of an accreditation application, OLAP will not consider experience achieved while likely

engaged in the unauthorized practice of law or without supervision by a licensed attorney or Accredited Representative.

53. What additional documentation must an organization submit when applying for full accreditation of a proposed representative? [NEW]

A partially Accredited Representative can represent clients only before USCIS, while a fully Accredited Representative is authorized to represent clients before USCIS and EOIR, which includes the immigration courts and the Board of Immigration Appeals. Because a fully Accredited Representative can appear before EOIR without attorney supervision, the representative must possess skills essential for effective litigation in addition to meeting all of the requirements for partial accreditation. 8 C.F.R. § 1292.12(a)(6), (c). This includes a demonstration that the proposed representative is able to advocate a client's position by:

- Performing legal research;
- Presenting documentary evidence at a hearing before an immigration judge;
- Questioning witnesses at a hearing before an immigration judge;
- Pursuing appeals before the BIA; and
- Preparing motions and briefs for consideration by an immigration judge or the BIA.

All initial applications for accreditation, whether for partial or full accreditation, must contain the documents listed in FAQ #46. In addition, an initial application for full accreditation must also show how the proposed representative has developed the litigation skills described above, whether through training, education, or experience. For example, an organization may submit:

- A log of hours and observations from attending immigration court hearings;
- A log of hours spent shadowing an attorney or Accredited Representative who practices before EOIR;
- A chart tracking cases pending before EOIR that the proposed representative has assisted with and specifying in what capacity;
- Redacted writing samples of briefs and motions co-authored by the proposed representative;
- Evidence of attendance at trainings that focus on practice before EOIR and the development of advocacy skills;
- Documentation showing participation in mock trials or similar activities; and
- Letters of recommendation that describe in detail the sources of the proposed representative's advocacy-related skills, knowledge, and experience, written by authors with first-hand knowledge of these skills.

An Accredited Representative who seeks to renew his or her full accreditation should indicate the advocacy-related training received and examples of cases represented before EOIR since last

accreditation. If an Accredited Representative has not eRegistered (*see* FAQ #54) and used his or her full accreditation in the last three years by representing clients before EOIR, OLAP may presume that full accreditation is no longer needed and only approve renewal of partial accreditation instead.

54. Must fully Accredited Representatives register with the online EOIR eRegistry program?

Yes. eRegistry is an independent system run by EOIR for individuals who appear before the agency. If a fully Accredited Representative intends to practice before the Immigration Courts and/or the BIA (whether through appearances, filings, or otherwise), he/she needs to eRegister. Note that at renewal, fully Accredited Representatives who have not eRegistered and who have not practiced, or do not intend to practice before the Immigration Courts and the BIA during their accreditation period will likely not be renewed for full accreditation.

55. What will happen if OLAP disapproves an application for full accreditation? [NEW]

OLAP automatically treats an application for full accreditation to include an application for partial accreditation. If an application for full accreditation does not meet the regulatory requirements, it will be considered as an application for partial accreditation. If the proposed representative meets all the requirements for partial accreditation but not for full, he or she may be approved as a partially Accredited Representative without having to submit a new application. However, if the proposed representative is not eligible for either full or partial accreditation, then the application will be disapproved.

56. Can a Recognized Organization apply for accreditation of a representative at any time?

Yes. A Recognized Organization can apply for accreditation of a representative at any time. Accreditation is valid for three years, after which time the organization would need to apply for renewal of accreditation of the representative. (See FAQ #64 on renewal of accreditation.)

57. What should an Accredited Representative be titled under the new rule?

Accredited Representatives who were formerly “BIA Accredited Representatives” are now “DOJ Accredited Representatives.”

58. Does accreditation expire?

Yes. Accreditation is valid for a period of three years from the date of OLAP’s approval. In order to maintain valid accreditation, an organization must apply for accreditation renewal on its

representative's behalf on or before the three-year accreditation expiration date. (See FAQ #64 on renewal of accreditation.)

If a Recognized Organization timely submits an accreditation renewal application, the Accredited Representative's accreditation status remains valid pending OLAP's determination on the application. In these cases, the Accredited Representative can continue to file notices of appearances (Forms G-28, EOIR-27, or EOIR-28) on behalf of his or her clients by indicating "Renewal Application Pending" along with the expiration date.

If a Recognized Organization does not timely submit an accreditation renewal application for its Accredited Representative, OLAP will administratively terminate the accreditation of the representative. Once accreditation expires, the individual may no longer provide legal services as an Accredited Representative. To do so would be considered the unauthorized practice of immigration law. In order to regain a representative's accreditation after expiration, an organization must submit a new initial application on behalf of that expired representative and wait until the application is approved before the individual can continue providing immigration legal services.

59. If an organization has multiple offices, may an Accredited Representative work at each one?

It depends.

Under the current regulations, a Recognized Organization can apply to have its recognition extended from a headquarters (principal office) to one or more extension office(s). *See* 8 C.F.R. § 1292.15. Once the organization has approved extension offices, an Accredited Representative may work out of each office. In the alternative, an organization may have individually approved office locations and may submit separate accreditation applications for the representative so that the representative can work from each location where he or she is approved.

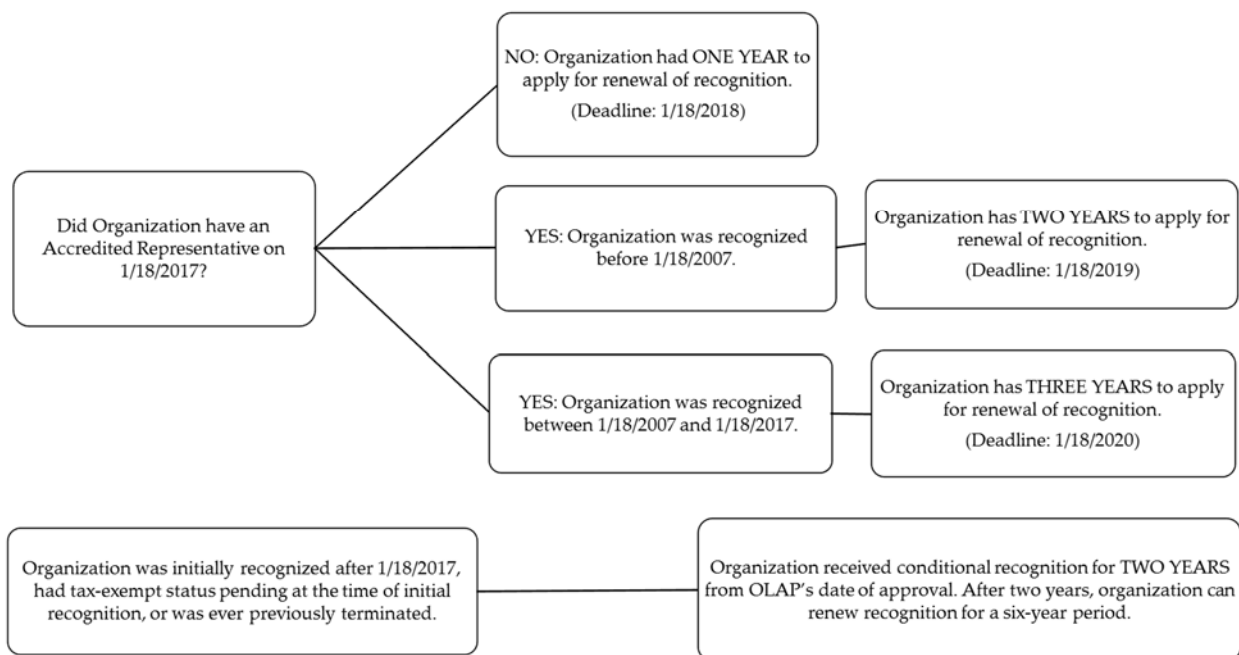
Under the old regulations (before January 18, 2017), the BIA allowed Accredited Representatives to work out of a Recognized Organization's approved branch offices. An Accredited Representative that had been approved by the BIA will be allowed to continue working from these branch offices until the time the organization renews the representative's accreditation or renews its own recognition. After that point, the organization will need to (1) apply for extension offices where all its Accredited Representatives can work from or (2) apply for each Accredited Representative separately to work at each separately recognized office location. (See FAQ #65 on branches and extensions.)

Renewal:

60. Do accreditation renewals and recognition renewals take place at the same time?

Accreditation and recognition are valid for different periods and generally do not run simultaneously. Each renewal application must be submitted on or before the date that accreditation or recognition is due to expire.

Accreditation is valid for a three-year period. 8 C.F.R. § 1292.12(d). Recognition is generally valid for a six-year period. However, depending on the organization's circumstances, a Recognized Organization must renew its recognition under the current regulations either one, two, or three years from the regulation effective date of January 18, 2017. The chart below can assist an organization in determining when it must renew its recognition.



Once a Recognized Organization has renewed its recognition successfully under the current rule, it will remain recognized for six years, after which it must file for renewal on or before the expiration of the six-year period.

As noted in the chart, organizations applying for initial recognition after January 18, 2017, those that had federal tax-exempt status pending at the time of their initial recognition, or those that have previously had their recognition terminated are recognized for a two-year conditional period. 8 C.F.R. § 1292.11(f).

61. What documentation must an organization submit with an application for renewal of recognition compared to an organization seeking initial recognition?

A Recognized Organization seeking renewal of recognition needs to establish that it remains eligible for recognition under 8 C.F.R. § 1292.11(a). As such, the organization is required to submit the following records, specified in 8 C.F.R. §§ 1292.14(b) and 1292.16(c):

- ☐ Form EOIR-31
- ☐ Any fee schedules or fee reduction/waiver policies used since last renewal
- ☐ Budget for current year
- ☐ Budget for previous year
- ☐ Description of any unreported changes that impact eligibility for recognition from the date of the last approval of recognition
- ☐ Organizational chart, if there have been staff changes since recognition or last renewal
- ☐ Annual summary
 - Total number of clients served (including through intakes, applications prepared and filed with DHS, cases in which attorneys or Accredited Representatives appeared before the immigration courts or the BIA, or referrals to other attorneys or organizations)
 - Number of clients served pro bono (at no cost to the client) (See definition of *pro bono legal services* at 8 C.F.R. § 1003.61(a)(2))
 - Description of the services provided, both immigration legal and immigration-related (educational, outreach, etc.)
 - Statement regarding whether services were provided pro bono or clients were charged in accordance with a fee schedule or fee reduction/waiver policy
 - List of the offices or locations where the immigration legal services were provided

In contrast, a new organization seeking initial recognition would need to supply more comprehensive supporting documentation under 8 C.F.R. § 1292.11. (See FAQ #23 on documentation required for initial recognition applications.)

62. Within the annual summary of immigration legal services that organizations are required to compile under 8 C.F.R. § 1292.14(b), should organizations include cases opened before and pending after the effective date of January 18, 2017?

Yes, the annual summary should include all cases pending as of January 18, 2017.

63. How does an organization apply for recognition renewal while on inactive status?

A Recognized Organization is placed on inactive status when it loses its last Accredited Representative after January 18, 2017. Inactive status lasts for up to 2 years, and an inactive organization must request renewal of recognition if its renewal period occurs during this two-year period.

An organization on inactive status, like any other renewing organization, must complete the Form EOIR-31 and provide the required documentation to establish that it remains eligible for recognition. However, because an inactive organization by definition does not have at least one Accredited Representative, it must also include an attestation that it intends to apply for the accreditation of one or more representatives within two years from the date of renewal. The OLAP Director has the discretion to renew recognition of an organization on inactive status.

An inactive Recognized Organization will become active (i.e. removed from inactive status) once it applies for and has approved an Accredited Representative within the applicable period.

64. What documentation is required in conjunction with an accreditation renewal application?

Recognized Organizations that apply for the renewal of accreditation of an Accredited Representative must submit the following documentation as required by the regulations at 8 C.F.R. §§ 1292.16(b)(2) and (c)(2):

- ☐ Form EOIR-31A
- ☐ Notification of any changes in eligibility under 8 C.F.R. § 1292.12(a)
- ☐ List of continued training in immigration law and procedure during the past three years. The list should not include trainings attended prior to the most recent renewal or that covered topics not related to immigration law. (See FAQ #50 on documenting training attended.)

At his discretion, the OLAP Director may request letters of recommendation addressing the renewal applicant's continued knowledge and experience in immigration law.

Extension of Recognition:

65. What is the difference between a branch and an extension?

The recognition of a branch office was available under the former rule when an organization had more than one office location. Each branch had to apply separately for recognition, but once a branch was recognized, an Accredited Representative of the parent organization could work out of a recognized branch without having to apply separately for accreditation at that branch.

The current rule handles organizations with multiple office locations differently. An organization with multiple locations will have two options when it applies for initial recognition or renewal of recognition:

- 1) The headquarters (parent office) and each of the organization's separate offices can apply for recognition separately. Each office would have to submit its own recognition application packet and its own accreditation application packets for any proposed Accredited Representative planning to work at its location. In this case, each office location would be considered a separate Recognized Organization and would need to renew its recognition separately in the future. Also, if one Accredited Representative were going to work at more than one office location, each location would need to submit its own accreditation application and, eventually, renewal application for the same Accredited Representative.
- 2) The headquarters (parent office) can apply for its own recognition and then request that recognition be extended to the organization's separate office locations. The headquarters would submit one application packet and include the separate offices within. If extension of recognition were granted, the Accredited Representative(s) of the headquarters would be authorized to work at all of the extension offices without needing to submit separate accreditation applications. In this case, the headquarters would appear as the Recognized Organization with extension offices. At renewal, the headquarters would need to submit only one request on behalf of all the offices. (See FAQ #67 on documents required for extension applications.)

Organizations that were previously recognized as branches under the former rule may continue to function as branches, and share the Accredited Representatives of the other branches, until the renewal date arrives for either the organization's renewal or the renewal of a representative's accreditation. Upon renewal of either, the organizations will need to choose one of the options listed above.

66. When can a Recognized Organization apply for extension of recognition to one of its offices?

A Recognized Organization can apply for extension of recognition to any of its offices at any time.

67. How does a Recognized Organization apply for an extension of recognition to one of its office locations?

To apply for extension of recognition, a Recognized Organization must submit to OLAP a Form EOIR-31, providing the requested information about the headquarters or designated office and extension office(s). Supporting documentation should demonstrate that the headquarters: (1) periodically conducts inspections of extension offices, (2) exercises supervision and control over its Accredited Representatives at those offices, and (3) provides adequate legal resources at those offices. Organizations should also support the request for extension offices by submitting documents that show joint management, operations, and funding sources. 8 C.F.R. §1292.15.

The Recognized Organization must serve the extension application packet on USCIS. (See FAQs #10, 11, 12 on serving documents on USCIS.)

68. Must a Recognized Organization with multiple approved extension offices have an Accredited Representative at each location?

No. The organization can share Accredited Representatives among approved extension offices but must offer the services of at least one Accredited Representative at all extensions on a regular basis.

69. Can an Accredited Representative work in any of the extension offices of a Recognized Organization?

Yes, an Accredited Representative can work at all of the approved extension offices of his or her Recognized Organization.

70. How does an organization decide which office to designate as its headquarters when planning to seek extension of recognition?

When seeking extension of recognition, an organization should designate as its headquarters the office that supervises the other organization's offices. The organization should establish that the subordinate offices have joint operations, management structure, and funding sources with the headquarters. In addition, the headquarters' authorized officer must attest that he or she exercises supervision and control over the Accredited Representatives in the extension offices. 8 C.F.R. § 1292.15. (See FAQ #67 on documents required for extension applications.)

Transition to Current Rule:

71. Under the current rule, what new responsibilities do Recognized Organizations have?

As of January 18, 2017, Recognized Organizations are required to:

- Renew their recognition pursuant to 8 C.F.R. § 1292.16 (FAQ #64);
- Report material changes to OLAP pursuant to 8 C.F.R. § 1292.14(a) (FAQ # 36-37); and
- Keep a record of the immigration legal services provided and corresponding fee schedule (if any) for the purpose of preparing an annual summary pursuant to 8 C.F.R. § 1292.14(b) (FAQ #61).

72. Under the current rule, if a Recognized Organization has several offices, which office will determine whether the organization must renew within one, two, or three years from January 18, 2017?

When an organization is renewing its recognition under the current rule and is seeking to extend recognition from the headquarters to its other office locations, as permitted under 8 C.F.R. § 1292.15, the headquarters' status determines the renewal date of the organization.

73. Under the current rule, if a Recognized Organization lacked an Accredited Representative on January 18, 2017, did it automatically go into “inactive” status?

No. Inactive status relates to a Recognized Organization that lost its last Accredited Representative after January 18, 2017. (See FAQ #33, 34 on inactive status.)

If a Recognized Organization lost its last Accredited Representative prior to January 18, 2017, the organization was required to renew its recognition by January 18, 2018 and simultaneously submit (or already have submitted) an application for accreditation of at least one proposed representative. (See FAQ #60 on renewal applications.)

74. What happened to a Recognized Organization that lacked an Accredited Representative on January 18, 2017, and failed to renew its recognition and apply for a new Accredited Representative on or before January 18, 2018?

If such an organization failed to renew its recognition and apply for an Accredited Representative by January 18, 2018, it lost its recognition and was removed from the list of Recognized Organizations.

75. What will happen to a Recognized Organization that loses its only Accredited Representative after January 18, 2017?

The organization in this circumstance will become inactive and will be removed from the Roster. However, it will not lose its recognition. The organization will be placed on inactive status to allow time for the organization to apply for the accreditation of a new representative. An organization may remain in inactive status for up to two years. If the organization's renewal becomes due during the period of inactive status, the organization must file for renewal. (See FAQs #33, 34 on inactive status.)

76. What authority do BIA decisions on recognition and accreditation have under the current rule?

The BIA's decisions on recognition and accreditation are not binding under the current rule. However, relevant decisions have been incorporated in parts of the current rule or may inform OLAP's interpretations.

Appendix A

Sample Annual Summaries

SUMMARY OF LEGAL SERVICES PROVIDED BY

FOR 2017

Education/Outreach Presentations: 423
Intakes/Consultation: 791
Applications prepared and filed before USCIS: 455
Appearances in immigration court: 127 open cases during 2017
BIA appeals: 2

Service provided pro bono: 389
Clients charged according to fee schedule: 193

Total clients served in 2017: 2,380

General Description of Immigration Legal Services at

Overview. [REDACTED] founded in 1914 as a settlement house, has provided services to immigrants continuously since then. We have been BIA Accredited since 1958. During 2017, we have provided most of our services pro-bono through California Department of Social Service contracts. The state contracts fund the following services: Education and outreach presentations, intake and consultation, Unaccompanied Minors applying for SIJS and TVPRA; removal defense for unaccompanied minors, removal defense for non-detained adults, affirmative asylum for adults, family based immigration (including family petitions, adjustment of status, and consular processing), I-90 green card renewal, U-visas, VAWA, TPS renewal, FOIA, DACA and other brief services. In addition, we provided information and consultation to beneficiaries of the Central American Minors program.

Charlas (public presentations in Spanish). Education and Outreach presentations were conducted at our [REDACTED], as well as at other community venues such as schools, libraries, and other non-profits. We regularly partner with community groups to provide outreach services to indigenous Oaxacan communities. Five such events were held in 2017 and are reflected in the numbers above.

Intake and consultation. Consultations are counted as a unit of service, and is based on the total number of intake appointments conducted. If a client returns for more than one appointment (for example to bring in additional paperwork), those clients are only counted once. In addition to the public presentations, the pro-bono list at court provides calls as well as word of mouth from other clients.

Applications submitted to USCIS. Applications and services in the family-based immigration program are substantially funded by the DSS grant, however we also take on fee-based cases at a reduced or discounted rate (see attached memo and price list), especially when it appears that the client has had difficulty finding services elsewhere. Of our fee based cases (193) all of them are

in the services area (and not in removal proceedings). The largest number of those applications are naturalization (N-400) followed by relative petition, (I-130) and FOIA. The numbers include only administratively filed cases who are not in proceedings.

Court cases. While 118 of our open court cases in 2017 were unaccompanied minors, we were also representing a number of adults, particularly women and children recently released from detention who were seeking asylum. With four attorneys on staff, our goal is to maintain an attorney caseload of approximately 30 cases. The average is slightly higher than that because cases that were concluded in 2017 were replaced by other new cases. When clients have more than one remedy, for example, an unaccompanied minor who has both an asylum cases and a Special Immigrant Juvenile Case in family court, we count the client only once for the above totals.

Annual Summary of Immigration Legal Services for the Office of Legal Access Programs (OLAP)

Name of Organization: [REDACTED]

Time Period Covered: January – December 2017

1) Total number of clients served during this period: (Please see also attached chart of services for 2017) In 2017, [REDACTED] provided application assistance for **4,185** applicants and provided **1,361** consultations for forms of immigration relief. We also served **1,535** individuals through a one hour informational session regarding eligibility for and requirements for applying for citizenship. Through general outreach about our services we reached more than **10,000** individuals.

2) Total number of clients provided services at no cost during this period: Of the above mentioned totals all services were provided without charge except for approximately **460** applications services such as (Green Card Renewals, Work Permits, DS-260s, Affidavits of Support, Removals of Conditional Residency and FOIAs). For the remaining **3,725** applications we were able to not charge our clients any fees.

3) General description of the immigration legal services and other immigration-related services (e.g., educational or outreach events) provided by the organization: [REDACTED] offers immigration legal services related to its core mission of serving low-income members of the immigrant community to realize the benefits, rights, and responsibilities of full participation in our society. [REDACTED] currently has nineteen active partially accredited representatives who serve clients primarily at our recognized office in [REDACTED] and are available to serve at our sub-office in [REDACTED]. Additionally we employ one full time Immigration Attorney licensed to practice law in the state of California. [REDACTED] provides consultations, citizenship, family based petitions for consular processing and adjustment of status in the U.S., VAWA, U-Visas, Waivers for Unlawful Presence, Waivers for other grounds of inadmissibility, Green Card Renewals, Work Permits, DACA and DACA Renewals (discontinued October 5, 2017), Freedom of Information Act Requests, Fiancé Visas, Removal of Conditional Residence, Derivative Citizenship, Affidavits of Support and DS 260s, Parole in Place and Fee Waivers. We also provide education and information through on and off site outreach and educational events including Citizenship Informational Sessions and free Citizenship Classes.

4) Statement regarding whether services were provided pro bono or clients were charged in accordance with a fee schedule: Our agency is recognized by the Internal Revenue Service as a nonprofit charitable organization. We charge clients nominal fees for immigration legal services. We do not have membership dues. No one will be denied services based on an inability to pay. We currently have funding from a variety of sources such as USCIS, the State of California, [REDACTED] Community Foundation and The Mexican Consulate that allows to provide most of our services at no cost and the ability to waive client fees when needed due to income of special circumstances. . Please see the attached fee schedule.

5) Organization policies or guidance regarding fee waivers and reduced fees: Please see attached excerpt on fee waivers from our case management policies and procedures manual.

6) List of the offices or locations where the immigration legal services were provided:

Address for main office: [REDACTED]

Address for sub-office: [REDACTED]

Attachments:

Chart of Annual Services Provided for 2017

Fee Schedule for Immigration Legal Services (if organization charges fees)

Organization's Policy on Fee Waivers and Reduced Fees (if not described above)

IMMIGRATION SERVICES PROGRAM SERVICES SUMMARY 2017	PROJEC TED	17-Jan	17-Feb	17-Mar	17-Apr	17-May	17-Jun	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	YEAR TO DATE TOTAL
Citizenship Program	1000	127	220	264	221	255	167	254	287	218	177	148	83	2421
Applications (N-400)		72	109	159	133	169	102	89	207	142	105	82	41	1410
N-565 (Application for Cert. Of			1			1		-	1	1			1	5
Citizenship Classes		55	110	105	88	85	65	60	67	66	60	59	35	855
books		7	25	12	4	20	10	10	12	9	12	7	6	134
N-400 info sessions			120	300	240	172	156	95	145	97	70	99	41	1535
Immigration Program	1500	186	157	201	231	228	290	219	305	397	239	147	175	2775
I-130 Petition for Alien Relative		3	20	17	23	10	17	21	14	15	19	20	20	199
I-864 Affidavit of Support for		1	2	3	4	6	14	7	10	10	8	4	2	71
														0
NVC Inquiry		1	1	4	1	1	1				2			11
DS-261									1					1
DS-260		8	2	1	4	2	1	2	6	2	2	4	5	39
I-90 Replacement of Green Card		10	17	22	15	38	26	36	16	27	35	31	26	299
Upgrade to U.S. Citizen Petition														0
Translation		2	1		3	2	3		1					12
FBI Rap Sheet								1						1
Adjustment		5	5	10	8	9	12	9	5	12	10	13	15	113
Temporary Protected Status													1	1
I-134 Affidavit of Support for Visitor			1						1	1	1			4
I-485 Refugee/Asylee/Cuban		1	1											2
I-131 Re-entry Permit/Parole in Place			2		1		1	2	1		1			8
Interview Preparation														0
Address Change						2		1						3
I-765 Work Authorization		1	3	1		2	3				4		3	17
I-601 A Waiver			2		3	3	1		1	1			2	13
I-751			2					1	3	2	3			11
I-129 K-Visa										1	1			2
I-824 (Duplicate of I-797)														0
FOIA		1	5	3	7	11	8	2	8	4	2	2	6	59
Deferred Action (DACA)		1		3	5	8	12	14	12	10				65
I-601				1										1
Other				2									1	3
N-600									3		1	1	3	8
DACA Renewal		30	40	33	36	33	39	48	54	124	13	-		450
DACA Orientation														0
Information/Consultations		120	53	100	120	100	150	73	165	188	133	70	89	1361
U VISA		2					1	2	3		1		2	11
U VISA ADJUSTMENT						1	1				3			5
VAWA ADJUSTMENT				1								1		2
N-400 INFO														0
VAWA					1				1			1		3
(walk-ins)		300	300	200	0	0	0							800
														0
Immigration Program (phone calls)	6000	1000	1000	1000	1000	1000	1000	1,000	1,000	1,000	1,000	1,000	1,000	12000
Total Program Services Provided		1613	1677	1665	1452	1483	1457	1473	1592	1615	1416	1295	1258	17996

Appendix B

Sample Training Lists

Immigration Education and Trainings			
DATE	EDUCATION/LEGAL TRAINING TITLE	INSTRUCTOR OR AGENCY/ MODE OF INSTRUCTION	HOURS
2018			
7/13/2018	USCIS Notice to Appear (NTA) Memo	ASISTA Immigration Assistance/Webinar	1
05/30/2018 - 07/01/2018	Bond Hearing, ICE Detention, Strategies For Release From Detention, ICE Detention Landscape, Immigration Consequences of Controlled Substance Offenses, Changes to Adjustment of Status Procedures and Trends in Adjudication, U Nonimmigrant Status: Approaches to Problem Scenarios, Consular Process: The Affidavit of Support and Waivers of Inadmissibility, Waivers of Inadmissibility, Fraud and Misrepresentation, Potential Changes to Public Charge, Ethical Issues In Immigration Law Practice	CLINIC/In Person Training	36
6/23/2018	Going to Immigration Court	Legal Aid Society of San Diego/Webinar	1
6/14/2018	Public Charge Updates: What is your client facing at the consulate?"	CLINIC/Susan Schreiber & Charles Wheeler/Webinar	1.5
5/31/2018	Introduction to Acquisition of Citizenship	ILRC, Eric Cohen & Allison Kamhi/Webinar	1.5
5/17/2018	Using the N-648 to Help Individuals with Disabilities Naturalize	ILRC, Webinar/Melissa Rodgers & Nasim Khansari	1.5
5/10/2018	Naturalization for Military Personnel and Their Families	ILRC/In person Training by Staff Attorney Allison Davenport	2.5
4/26/2018	Citizenshipworks Best Practices: Fast Lane. Citizenship Works Organization	ILRC/ NAC/Webinar	1
4/24/2018	ADVANCED FOIA	ILRC, Alison Kamhi & Aruna Sury/Webinar	1.5
4/17/2018	"Public Charge, DACA & Other Immigrant Rights' Issues	NILC/Webinar	1
4/11/2018	Syria's TPS Status EXTD	USCIS/Teleconference	1.5

4/5/2018	Asylum, Crimes, Immigrant Youth	ILRC/Attorneys Erin Quinn and Rachel Prandini/Webinar	1.5
3/27/2018	Expanding Credit Card Payment Options	USCIS/Teleconference	1
3/22/2018	Online Processing Times Updates	USCIS/Webinar	1
3/14/2018	Pathways to Adjustment of Status	ILRC, Attorneys Erin Quin, Alison Kamhi and Allison Davenport/Webinar	1.5
3/9/2018	TPS Training	SIREN, Shouan Zhoobin Riahi/In Person	2
2/22/2018	Immigration Consequences of Gang Allegations	ILRC, Attorney Rachel Prandini and Tulane University Law School Professor of Practice, Laila Hlass/Webinar	1.5
HOURS COMPLETED YEARLY			58.5
2017			
12/14/2017	DACA Renewal Resubmissions	CLINIC, Attorneys Ilissa Mira, Jen Riddle and Jill Bussey/Webinar	1.5
11/15/2017	Hardship in Waivers	ILRC, Ariel Brown, Alison Kamhi, and Nikki Marquez/Webinar	1.5
11/2/2017	Alcohol, Drugs, & Naturalization	ILRC, Attorney Eric Cohen, Allison Kamhi, Webinar	1.5
10/12/2017	Understanding the Naturalization Application Reduced Fee Option & Fee Waiver	ILRC, Nikki Marquez and Melissa Rodgers/Webinar	1.5
10/11/2017	Expanded Use of In-Person Interviews	USCIS, Mariaela Melero/Teleconference	1.5
9/12/2017	How an Absence can Affect One's Naturalization Application	ILRC, Cohen, Eric. Esq./In Person Training	1.5
8/23/2017	T and U Visas and the Violence Against Women Act	USCIS/Teleconference	1.5
06/29/2017 - 07/27/2017	Grounds of Inadmissibility	CLINIC, Charles Wheeler, Ilissa Mira, Jon Braswell/Online Course	18
6/21/2017	A Community Convening - Conversations not heard	Centro La Familia Advocacy Services/In Person	6
6/1/2017	Family-Based Immigration: Adjustment of Status	ILRC, Attorney Allison Davenport/In Person Training	3
5/4/2017	Family-Based Immigration: Visa Petitions	ILRC, Attorney Allison Davenport/In Person Training	3
04/18/2017 - 05/16/2017	Acquisition, Derivation and Naturalization	CLINIC, Charles Wheeler/Online Course	6
1/30/2017	Access to Public Benefits and Fee Waivers for Naturalization Applicants	NAC, Attorney Tanya Broder/Webinar	1.5

1/20/2017	Complex Topics in Naturalization Law/Criminal Issues in Naturalization	IRLC Attorneys Eric Cohen, Kathy Brady, Alison Kamhi/In Person	3
HOURS COMPLETED YEARLY			51
2016			
12/20/2016	New Form I-942 Request for Reduced Naturalization Fee	USCIS/Teleconference	1
10/27/2016	Special Immigrant Juvenile Program	USCIS/Teleconference	1
10/14/2016	Updates & News on Immigrants' Rights Issues	NILC/Webinar	1
8/19/2016	Beyond DACA and DAPA	ILRC/ In Person Training	8
6/24/2016	Supreme Court Decision in U.S. v. Texas Case	NILC/Webinar	1
6/16/2016 - 07/14/2016	Selected Issues in VAWA and U-Status	CLINIC, Sarah Bronstein, Susan Schreiber, Jon Braswell/Online Course	8
6/15/2016	Representing Children Pursuing Special Immigrant Juvenile Status Findings in Family Court: Procedural and Practical Considerations	KIND/In Person	2.5
5/23/2016	Community Navigator Webinar Series	IRLC, Kathy Khommarath/Webinar	2
5/19/2016	Quarterly Updates/Meeting	USCIS Fresno Field Office/In Person Meeting	1
5/16/2016	Crimes Bars to DACA (and DAPA) and What to Do About Them	ILRC, Kathy Brady & Rose Cahn/In Person Training	2.75
4/21/2016	How Ready Are you? Administrative Relief	Immigration Advocates Network/Webinar	1.5
4/7/2016	U-Visa Training	ILRC, Sally Kinoshita/ In Person Training	4
3/30/2016	Understanding FOIA and Other Records Requests	IRLC, Lena Graber & Allison Kamhi/Webinar	1.5
3/22/2016	All About Advance Parole	CLINIC, Ilissa Mira/Webinar	1.5
3/16/2016	T and U Visas and the Violence Against Women Act (VAWA)	USCIS/Webinar	1.5
3/9/2016 - 04/20/16	Introduction to Family-Based Immigration	CLINIC, Charles Wheeler/Online Course	21
1/20/2016	"Immigration Updates: Texas v. U.S. Case & Raid	NILC/Webinar	1
HOURS COMPLETED YEARLY			60.25
TOTAL ACCUMULATED NUMBER OF HOURS OVER THE YEARS			169.75

Immigration Law Training					
Title of Training	Provider's Name	Date of Training	Duration of Training	In-Person/ Webinar	Training Open to Public
Immigration Law Course	Adjunct Professor Evan George, Esq. Immigration Law Professor at University of Florida Levin College of Law & Solo Practitioner	Fall Semester Aug. 2016- Dec. 2016	3 hour weekly lectures	In-Person	No, only University of Florida Levin College of Law students
Consular Processing for U and T Derivatives Outsides	New York Immigration Coalition	11/08/2017	2 hours	Webinar	No, only New York Immigration Coalition Members
10 Years Fraud Training and Cancellation of Removal	Kendal Nystedt, Esq. Staff Attorney at Make the Road New York	11/16/2017	2 hours	In-Person	No, only Immigrant Justice Corps Fellows
Tips for Appellate Briefing	Immigration Judge Hon. Noel Ferris (now retired)	11/16/2017	1 hour	In-Person	No, only Immigrant Justice Corps Fellows
Special Immigrant Juvenile Status	New York Immigration Coalition	12/05/2017	2 hours	Webinar	No, only New York Immigration Coalition Members
Central American Asylum Claims	Heather Axford, Esq. Central American Legal Association (CALA), Maureen Schad, Esq. (Norton, Rose)	1/19/2018	1 hour	In-Person	No, only Immigrant Justice Corps Fellows
Motions to Reopen before USCIS and EOIR	Hasan Shafiqullah, Esq., Attorney-in-Charge, Immigration Law Unit of the Legal Aid Society and Dorothy Tegeler, Asylum Seeker Advocacy Project	1/19/2018	1 hour	In-Person	No, only Immigrant Justice Corps Fellows
Working with experts for Asylum Claims	Dr. Holly Atkinson, Mount Sinai Hospital and Mark Silver, MSW	1/19/2018	1 hour	In-Person	No, only Immigrant Justice Corps Fellows
HIV-affected asylum, LGBTQ asylum claims and creating a safe space for LGBTQ clients	Laura Rodriguez, Esq. , Staff Attorney at American Friends Services Committee	03/23/2018	1 hour	In-Person	No, only Immigrant Justice Corps Fellows
Interviewing Immigrant Clients Who Have Experienced Trauma	Geoff Kagan- Trenchard, Esq., Staff Attorney NYC Anti-Violence Project	4/19/2018	2 hours	In-Person	No, only Immigrant Justice Corps Fellows
All about Survivor Derivatives	ASISTA	8/20/2018	3	Webinar	No, only open to ASISTA members