



**U.S. Department of Justice**  
Executive Office for Immigration Review  
*Office of the Director*  
5107 Leesburg Pike, Suite 2600  
Falls Church, Virginia 22041

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# FACT SHEET

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October 27, 2008 (Revised)

## **Representation of Aliens in Immigration Proceedings**

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

Immigration law provides that aliens in immigration proceedings have the privilege of being represented, at no expense to the government, by counsel selected by the alien and authorized to practice (Section 292 of the Immigration and Nationality Act, 8 U.S.C. 1362). Federal regulations ([8 CFR, Part 1292](#)) specify who may represent an alien in immigration proceedings and the criteria they must meet.

### **I. Attorneys, Recognized Organizations, and Accredited Representatives**

#### *Attorneys*

Aliens may hire a licensed attorney who may charge or accept a fee for representing them in immigration proceedings. The attorney must be a member in good standing of the bar of the highest court of any state, possession, territory, or commonwealth of the United States, or the District of Columbia. Special rules apply for attorneys outside the United States.

#### *Recognized Organizations*

Aliens may obtain representation from a non-profit, religious, charitable, social service, or similar organization that is established in the United States and is officially recognized by the Board of Immigration Appeals (BIA) in the Executive Office for Immigration Review (EOIR). Organizations which are officially recognized by the BIA appear on the roster listing that is maintained by the BIA and available on the EOIR website at <http://www.usdoj.gov/eoir/statspub/raroster.htm>.

To be recognized by the BIA, the organization must have established that it has adequate knowledge and experience to provide immigration services, and that it charges or accepts only **nominal** fees for those services.

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To apply for recognition, an organization must complete a Form EOIR-31 (available on EOIR's website at <http://www.usdoj.gov/eoir/eoirforms/eoir31.pdf>) and send a copy of the form to **two** officials within the Department of Homeland Security (DHS) field office in the applicant's geographical area:

- One copy of the form is sent to the local District Director for Citizenship and Immigration Services (USCIS), and
- A second copy of the form is sent to the local Special Agent in Charge for Immigration and Customs Enforcement (ICE).

The completed form, along with proof that a copy has been sent to the two local DHS officials, is mailed directly to EOIR's Recognition and Accreditation Program Coordinator:

To send by courier or overnight delivery service:

Recognition and Accreditation Program Coordinator  
Executive Office for Immigration Review  
Board of Immigration Appeals  
Clerk's Office  
5107 Leesburg Pike, Suite 2000  
Falls Church, VA 22041

To mail by regular first class mail:

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

The phone number for the Recognition and Accreditation Coordinator is: (703) 305-9029.

Both local DHS officials -- the District Director for USCIS and the Special Agent in Charge for ICE -- must submit a recommendation and reasons for approval or disapproval, along with proof that a copy of the recommendation was also sent to the organization applying for recognition, to the address above within 30 days. If the DHS recommendation is negative, the applicant may file a response with the BIA within 30 days.

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

An organization's recognition does not expire, but the BIA may withdraw recognition at any time if the organization fails to maintain the qualifications required by regulation ([8 CFR 1292.2](#)).

#### *Accredited Representatives*

Aliens may be represented by an accredited representative who is affiliated with a recognized organization (an organization that has been recognized by the BIA as specified above). Representatives who are officially accredited by the BIA appear on the roster listing maintained by the BIA and available on the EOIR website at <http://www.usdoj.gov/eoir/statspub/raroster.htm>.

Accredited representatives may charge or accept a **nominal** fee set by the organization through which they gained their accreditation.

The accredited representative must be of good moral character and accredited by the BIA through an application submitted by their recognized organization. Application procedures for accreditation of representatives are similar to the procedures for recognition of organizations ([8 CFR 1292.2](#)). The application must be a written statement or résumé that fully states the nature and extent of the proposed representative's experience and knowledge of immigration and naturalization law and procedure, and explains the type of work the representative will be doing. It should also specify whether full or partial accreditation is requested. **Full accreditation** allows the representative to represent the alien before DHS, the immigration courts, and the BIA. **Partial accreditation** allows the representative to represent the alien only before DHS.

The BIA's accreditation of a representative expires every 3 years, but can be renewed through an application submitted by the representative's recognized organization. If an application for renewal is filed at least 60 days before the end of the third year, accreditation will remain valid pending the BIA's consideration of the application.

Accreditation also ends when the BIA's recognition of the affiliated organization ceases, or when the representative's employment or the connection with the organization ends. Accreditation does not transfer to another organization. It is the responsibility of the recognized organization to notify the BIA Recognition and Accreditation Program Coordinator of any changes regarding the representative's affiliation with an organization.

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The Recognition and Accreditation Program Coordinator maintains alphabetical rosters of all recognized organizations and their accredited representatives. These rosters are available on EOIR's website at [http://www.usdoj.gov/eoir/statspub/recognition accreditationroster.pdf](http://www.usdoj.gov/eoir/statspub/recognition%20accreditationroster.pdf) (recognized organizations) and at <http://www.usdoj.gov/eoir/statspub/accreditedreproster.pdf> (accredited representatives).

## II. Qualified Representatives

Aliens may choose to be represented by a qualified representative who will work without compensation and who is familiar with the provisions of immigration law and with the rules of practice in immigration court. Qualified representatives may be any of the following persons **who meet the conditions specified in the regulations** ([8 CFR 1292.1](#)):

- ☐ Law students and law graduates not yet admitted to the bar,
- ☐ Reputable individuals of good moral character who have a personal or professional relationship with the represented alien (e.g., relative, neighbor, clergy, co-worker, or friend), or
- ☐ An accredited official of the government to which the represented alien owes allegiance (e.g., a consular officer).

## III. Free Legal Services Providers

EOIR's Office of the Chief Immigration Judge maintains a current list of free legal services providers who meet the qualifications specified in the regulations ([8 CFR 1003.62](#)). They include:

- ☐ Recognized organizations,
- ☐ Organizations not recognized,
- ☐ Bar associations, and
- ☐ Attorneys.

The list of free legal services providers is provided to aliens in immigration proceedings. A nationwide (by state) listing is available on the EOIR website at <http://www.usdoj.gov/eoir/probono/states.htm>.

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