List of Pro Bono Legal Service Providers
October 8, 2015
List of Pro Bono Legal Service Providers
“the List” or “Pro Bono List”

- 8 C.F.R. §§ 1003.61-1003.66
- Effective Date – November 30, 2015
- Office of the Director
Administration of the List

OFFICE OF THE DIRECTOR

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

Visit: www.justice.gov/eoir/probono/probono.htm
Purpose of the Pro Bono List

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

8 CFR § 1003.61(a)(2)

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

- **Non-profit Organizations**
  - Recognized organizations
  - Non-recognized organizations

- **Pro Bono Referral Services**

- **Attorneys**
Recognized Organization – Qualifications

8 CFR § 1003.62(a)

Non-profit organization recognized under 8 CFR part 1292

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

• The organization has at least one attorney or fully accredited representative eligible to practice law and who has registered with EOIR.

• The organization commits to providing at least 50 hours a year of pro bono legal services in each immigration court where the organization intends to be listed.

• Specifies any limitations in the provision of pro bono legal services. For example, takes only cases involving non-detained individuals, children, asylum seekers, or individuals with criminal convictions.
Non-recognized Organizations – Qualifications

8 CFR § 1003.62(b)

Non-profit organization established in the United States.

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

• The organization has at least one attorney eligible to practice law and who has registered with EOIR.

• The organization commits to providing at least 50 hours per year of pro bono legal services at each immigration court where the organization intends to be listed.

• Specifies any limitations in provision of pro bono legal services. For example, takes cases involving only non-detained individuals, children, asylum seekers, or individuals with criminal convictions.
Pro Bono Referral Services – Qualifications

8 CFR § 1003.62(c)

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

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

• Its referral services are offered to individuals in removal or other proceedings before each immigration court location identified in its application, and,

• Any specific limitation it has in providing its pro bono referral services (for example, the services assist with domestic violence or children’s cases only).
Attorneys – Qualifications

8 CFR § 1003.62(d)

Attorney licensed in the United States

Declaration under penalty of perjury:

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

8 CFR § 1003.63

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

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

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

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

1. Complete all required Form EOIR-56 sections.
2. Submit Form EOIR-56 to the U.S. Department of Justice, Executive Office for Immigration Review, Office of the Director, General Instructions draft Form EOIR-56.
U.S. Department of Justice
Executive Office for Immigration Review
Office of the Director

Application – draft Form EOIR-56

Part 5. Affirmation of provision of pro bono legal services (continue)

By checking this box the applicant organization affirms that:

- It will provide, at least, 50 hours of pro bono legal services through its attorneys or representatives to individuals proceeding in those immigration court locations listed in Part 4.
- Every attorney or representative who will represent clients pursuant to EOIR-56 on behalf of the organization represented.
- No attorney or representative on behalf of the organization or case seeking representation has ever been in any order of suspension, disbarment or other action involving the practice of law.

By checking this box the applicant organization affirms that it will offer its services to individuals in immigration proceedings for each immigration court location listed in Part 4.

Part 6. Affirmation of provision of service for the past 2 years by organization and attorneys (if initial request or applicant is a pro bono referral service or see Part 7)

Section A

Indicate below the name of each immigration court location where the applicant intends to provide at least, 50 hours pro bono legal services to individuals represented by the organization or attorney who represent individuals for pro bono legal services (if a referral service) or attorneys who should be listed in the location for the corresponding court (e.g., children’s case or asylum cases only, criminal law, speciality, etc.). Attach additional pages if necessary. If your organization represents more than one court location in Section A, indicate on the box to which such specialty, limitation, or comment applies. If any specialties, limitations, or comments identified below apply to all immigration courts listed in Section A, please check this box.

Immigration Court Name:

1.

2.

3.

4.

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

List of Pro Bono Legal Service Providers

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

Optimal Form EOIR-56 Rev. (Month/Year)
Providers approved to be on the List of Free Legal Service Providers (LFLSP) before November 30, 2015, effective date of final rule

8 CFR § 1003.63(e)

Follow application process as if new applicant except:

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

- **Organizations and bar associations on current LFLSP**
  Must file **within 1 year** of effective date of rule or **before November 30, 2016** or name will be removed from the quarterly List published in January 2017
Application Due Dates = at least 60 days in advance of next quarterly update

8 CFR § 1003.63(a)

• Not later than February 1, 2016 for April 2016 Quarterly Update

• Not later than May 2, 2016 for July 2016 Quarterly Update

• Not later than August 2, 2016 for October 2016 Quarterly Update

• Not later than November 2, 2016 for January 2017 Quarterly Update
Public Notice and Comment

8 CFR § 1003.63(f)

- **Names of applicants** meeting qualifications for placement on the List will be posted by EOIR each quarter for a period of at least **15 days**

- **Public comments and recommendations** for approval or disapproval of an application will be accepted within **30 days** of the date of posting of the names
  - Commenter must include name and address; comments and recommendations will be accepted electronically through EOIR’s website or may be sent via regular mail with a proof of service on the applicant.

- **Applicants have 15 days** from date of service or notification to respond to comments, if they choose to
Prior to issuing a decision

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

Approvals and Denials

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

Approved applications

- Applicant’s name will be included on the List at the next quarterly update
Certification of Continuing Eligibility

8 CFR § 1003.64(b)(2)

Every 3 Years

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

8 CFR § 1003.64(b)(2)

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

- **Attorneys and Organizations also must include:**
  Alien registration numbers of clients in whose cases the provider rendered pro bono legal services representing at least 50 hours annually in each immigration court listed since last approval

- **Organizations also must include:**
  Name(s), and, if available, the EOIR registration number(s) of the attorney(s) or representative(s) who provided the pro bono legal services
Duty to report changes
8 CFR § 1003.66

Providers are required to notify OLAP within 10 business days:

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

- The regulations allow for the Director to permit prospective and current providers to submit a wide range of documents electronically in the future as EOIR develops technology to manage and implement the List.
QUESTIONS REGARDING THE PRO BONO LIST?
Steven Lang, Director, Office of Legal Access Programs
Robert Dooley, Pro Bono List Administrator
www.justice.gov/eoir/probono/probono.htm
ProBono.List.Admin@usdoj.gov
703-756-8020

GENERAL QUESTIONS FOR EOIR?
EngageWithEOIR@USDOJ.GOV