

All About DOJ Recognition and Accreditation

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Meet Your Presenters

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Overview

- Background
- Eligibility requirements for R&A
- Application process
- Tips, trends, and challenges
- Getting started
- Resources

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What is DOJ R&A?

- The recognition and accreditation program permits recognized organizations and their non-attorney accredited representatives to represent clients in immigration proceedings.
- 8 CFR §1292.11 and §1292.12

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Why apply for DOJ R&A?

- Maintain or increase capacity
- Strengthen & professionalize program
- Ensure better client services
- Ensure quality of immigration advice
- Lower staffing costs
- Avoid Unauthorized Practice of Law

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Recognition & Accreditation Roster

- <https://www.justice.gov/eoir/recognition-accreditation-roster-reports>

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Eligibility for Recognition

- Must be a non-profit religious, charitable, social service or similar organization
- Must provide services primarily to low-income and indigent clients within the U.S.
- If org. charges fees, must have a written policy for persons unable to pay
- Must have Federal tax exempt status
- Must have at least 1 accredited rep
- Must have access to adequate knowledge, information, & experience on immigration law & procedure
- Must designate authorized officer to act on org's behalf

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Other Recognition Rules

- Recognition must be renewed every 6 years
- First time recognition is conditional, for 2 years
- Orgs without federal tax exempt status can be approved if they have applied for the status
- Extension of recognition to sub-offices
- Reporting, recordkeeping, and posting requirements
- Use application forms EOIR-31 and EOIR-31A, both mandatory

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Extension of Recognition

- In lieu of filing separate application for each sub-office, can file single application for two or more offices
- For each sub-office, must attest that organization periodically conducts inspections, exercises supervision and control over accredited reps, and provides access to adequate legal resources
- OLAP may require separate recognition if distinct operations, management structure, or funding sources

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DOJ Accreditation: 2 Types

- Partial and Full
- Partial allows representation before DHS
- Full allows representation before DHS & EOIR
- Can request change from partial to full at any time
- Qualifications for full accreditation are greater than partial and will be carefully scrutinized by OLAP
- Must be renewed every 3 years

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Eligibility for Accreditation

- Must be employee or volunteer of organization
- Must have character and fitness to represent clients
- Must possess broad knowledge and adequate experience in immigration law and procedure
- Cannot be attorney who is eligible to practice law in the U.S.
- Cannot have resigned while under disciplinary investigation or proceeding
- Cannot be subject to any order disbaring or restricting practice of law
- Cannot be convicted of a serious crime anywhere in the world

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What is character and fitness?

- Includes, but not limited to examination of these factors:
 - Criminal background
 - Prior acts involving dishonesty, fraud, deceit, or misrepresentation
 - Past history of neglecting professional, financial, or legal obligations
 - Current immigration status that presents actual or perceived conflict of interest

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The Recognition Application

- Brief cover letter with list of enclosures
- Form EOIR-31, <https://www.justice.gov/eoir/file/eoir31/download> (Jan. 2017 edition)
- Supporting documentation

Note: Must also include an application for accreditation of at least one staff person

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Supporting Documentation for Recognition

- Agency mission statement, constitution, charter, by-laws, etc.
- IRS tax determination letter or alternative documentation of federal tax exempt status
- Organizational chart, technical legal support arrangement, staff resumes, training certificates, letters of recommendation, etc.
- List of law library materials
- Budget, fee schedules for all locations, list of membership dues, fee waiver or reduction policy/guidance
- Other documentation as needed

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Technical Legal Support

- For organizations that do not have an attorney on staff
- Demonstrates access to adequate knowledge, information, and experience in immigration law
- Include a letter from attorney or fully accredited representative stating:
 - Background and qualifications in immigration law
 - Knowledge of agency/staff
 - Will answer immigration law and procedure questions for agency
 - If any fees charged for this support
 - Good to recommend agency/staff as well
- CLINIC provides TLS for affiliates. More information: <https://cliniclegal.org/find-legal-help/affiliates/subscription>

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Recognition Renewal

- Must demonstrate that you remain eligible
- Submit Form EOIR-31 with cover letter and updated documentation as needed
- Include Annual Summaries and fee schedules since last recognition date

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Extension of Recognition

- Submit Form EOIR-31 with cover letter and documentation of eligibility:
 - Current org chart
 - List of law library resources for all offices
 - Current budget
 - Current fee schedule

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The Accreditation Application

- Brief cover letter with list of enclosures (include DOB for background check)
- Form EOIR-31A, <https://www.justice.gov/eoir/file/eoir31A/download> (Jan. 2017 edition)
- Supporting documentation

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Supporting Documentation for Accreditation

- Resume describing immigration law experience with list of trainings and forms completed
- Copies of certificates, agendas, affidavit, or other proof of trainings attended
- 2 letters of recommendation addressing knowledge and experience in immigration law
- Character reference letter(s)
- For full accreditation: evidence of court skills training and experience

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What is needed for full accreditation?

- Find a local attorney or fully accredited rep. to be your mentor
- Get hands-on experience observing cases in immigration court and working on court cases
- Get formal training on court skills

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Accreditation Renewal

- Must demonstrate that you remain eligible
- Submit Form EOIR-31A with cover letter and documentation:
 - Updated resume with list of trainings since last accred. date
 - Proof of trainings;
 - Copy of last letter of accred. approval
 - Note: Letters of recommendation not required

NOTE: For renewal of full, must show that you used your full accreditation.

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The R&A Application Process

- File Form EOIR-31 for agency recognition and Form EOIR-31A for each staff person seeking accreditation
- OLAP reviews application and may request additional information
- USCIS has 30 days to respond
- OLAP sends letter with decision in writing (separate decisions for R&A)
- Processing time varies

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Application Tips

- Include all supporting documentation in the initial application
- Don't include unnecessary information
- Describe trainings and experience in detail
- Include duration (hours) for each training
- Include proof for every training (certificate, affidavit, etc.)
- Make sure information is consistent
- Respond to any OLAP requests promptly
- Seek help from FSC *before* applying, if you're an affiliate

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After R&A: Reporting, Recordkeeping, & Posting

- Recognized organization has duty to promptly report any changes to OLAP (within 30 days) - email R-A-Info@usdoj.gov
- Recognized organization must compile fee schedules and annual summary and retain for 6 years from date record is created
- Org. may be required by OLAP to post certain public notices regarding R&A

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What happens if program loses its only accredited rep?

- Must notify OLAP promptly
- Will be removed from roster and placed on inactive status for up to 2 years
- Can no longer file G-28s or provide legal representation unless you have an attorney
- Must renew recognition by expiration date, even if on inactive status
- Must apply for new staff person to be accredited in order to keep recognition
- Recommend having 2+ accredited reps on staff

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What's in the annual summary?

- **Total number of clients served** (includes client intakes; applications prepared and filed with USCIS; cases in which the organization's attorneys or accredited representatives appeared before the Immigration Courts or the Board; or referrals to attorneys or other organizations);
- **Total number of clients served at no cost;**
- **General description** of immigration legal services & other immigration-related services (e.g., educational or outreach events) provided;
- **Statement** regarding whether services were provided pro bono or clients were charged in accordance with fee schedule;
- Organization's **policies/guidance on fee waivers** and reduced fees;
- **List of the offices or locations** where immigration legal services were provided; and
- **Fee schedule(s)** for reporting period

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I would like to get R&A: How do I get started?

- Get formal training in immigration law (such as COIL course) & hands-on experience working under an authorized legal service provider
- Gather supporting documents, especially fee schedule, waiver/reduction policy, org chart, and budget
- Reach out to local USCIS office
- Secure technical legal support if needed
- Gather and purchase law library resources

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Suggested Training

- Core Trainings:
 - Comprehensive Overview of Immigration Law
- Others:
 - Program Management
 - Introduction to Family-Based Immigration
 - Grounds of Inadmissibility
 - Citizenship & Naturalization
 - VAWA, U, & T Visas
 - Understanding and Preparing Waivers
 - Immigration Consequences of Crimes
 - Representing Asylum Applicants
 - Removal Proceedings

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Training Tips

- Should be ongoing and recent
- Mix of in-person, e-learning, and webinars recommended
- Keep good records of all trainings attended, *especially certificates*
- List trainings on resume
- List who gave the training, title, date, location, type of training, duration (hours)
- Include \$ for ongoing training in annual budget

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R&A Trends

- Processing backlogs
- Background checks
- RFEs
- Proof of trainings
- E-mail submission
- Virtual services

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OIG Report

- Released September 2020
- Based on audit of R&A program
- Recommended changes
- <https://oig.justice.gov/sites/default/files/reports/20-109.pdf>

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Resources

- R&A Toolkit and Step-by-Step Guide: <https://cliniclegal.org/R&A>
- EOIR R&A Website and FAQs: <http://www.justice.gov/eoir/recognition-and-accreditation-program>
- CLINIC training calendar: <https://cliniclegal.org/training/calendar>
- IAN training calendar: <https://www.immigrationadvocates.org/nonprofit/calendar/>
- If you are a NAC or Coulter partner/affiliate and would like to receive R&A assistance, please contact Helen Chen, hchen@cliniclegal.org

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Advocacy Resources & Proposed Changes to Forms

- CLINIC comments on revised application forms (2020 edition): <https://cliniclegal.org/resources/doj-recognition-and-accreditation/revised-application-forms-recognition-and-accreditation>
- CLINIC policy brief: <https://cliniclegal.org/resources/federal-administrative-advocacy/policy-brief-severely-under-resourced-ra-program>
- Comments on the latest proposed form changes in 11/7/22 Federal Register: <https://cliniclegal.org/resources/doj-recognition-and-accreditation/clinic-affiliates-comment-proposed-changes-forms-eoir>

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Join the CLINIC Network for 2023

- Subscription benefits and request for application: <https://cliniclegal.org/find-legal-help/affiliates/subscription>
- Annual dues for subscription: \$1,500
- Get in-depth assistance on your R&A application

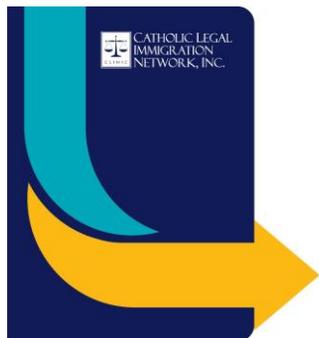
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Questions?

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