



Frequently Asked Questions: Preparing for Potential Changes in the DOJ Recognition and Accreditation Program

April 2025

We have been witnessing unprecedented changes in immigration law and policy in recent months. With the ongoing funding freezes and potential budget cuts, as well as news around the recent Executive Order “[Preventing Abuses of the Legal System and the Federal Court – The White House](#)” specifically targeting immigration attorneys and law firms, there is a possibility that related federal programs will be affected. This FAQ focusses on potential changes to the Department of Justice Recognition and Accreditation (DOJ R&A) Program, which authorizes non-attorney staff and volunteers at Recognized Organizations to practice immigration law. Although the administration has not yet indicated that the DOJ R&A program will be affected, significant changes could occur at a moment’s notice. For that reason, immigration legal services (ILS) programs need to be prepared to tackle this monumental challenge if it happens.

How can the federal government make changes that could affect the DOJ R&A Program?

The federal government could take the following actions:

- **Terminate or modify the program through the Federal Rulemaking Process.**
 - The DOJ R&A Program is codified in the Code of Federal Regulations. Any attempts to eliminate or change program requirements would require publication in the Federal Register and undergo a public comment period before taking effect. Additionally, it is likely that any administrative action that circumvents this process would result in litigation.
- **Reduce or eliminate funding for staff that run the program.**
 - Even if the administration does not engage in permissible regulatory action that jeopardizes the existence of the R&A Program, the administration may engage in actions that impact its functionality. For example, the administration could significantly reduce the budget for the Office of Legal Access Programs (OLAP), which administers the R&A Program, leading to staffing shortages. Or, as we have seen with other federal agencies and offices, there could be mass staff layoffs at OLAP. If there is a staff reduction/shortage, organizations seeking new or renewal of recognition and staff/ volunteers seeking new or renewal of accreditation would experience lengthy processing times, adjudication delays, and backlogs. Organizations, staff and volunteers seeking initial DOJ recognition or accreditation would be more affected than those that are already Recognized/Accredited since renewal applicants can continue to practice if applications are timely submitted. See 8 CFR § 1292.16(b)(3).

➤ **Heighten scrutiny of applications**

- OLAP staff or USCIS District Directors may request information or documentation that is not explicitly required by regulations, which could create more barriers for organizations during the application process. This may delay the approval of recognition and accreditation applications or result in unwarranted denials.

What should organizations do to prepare if they are seeking initial DOJ recognition and/or accreditation?

Organizations should continue with plans to file their initial DOJ R&A applications.

- Despite the uncertainty of the R&A program, there is currently no indication that it will be affected, or worse terminated, as of the date of this publication. Organizations should continue with the DOJ R&A process and file their application as soon as it is ready.
- Once organizations obtain DOJ R&A, accredited staff and volunteers would be authorized to practice immigration law and continue to do so while their renewal applications are pending, assuming they were timely submitted.
- Organizations should utilize the preparation strategies outlined in the rest of this FAQ to meet your program's specific needs.
- Ensure that your organization is very familiar with the requirements for DOJ R&A and have a well-assembled application for submission. For more information on applying for DOJ R&A, refer to CLINIC's [Webinars on Applying for R&A](#) and [Application Support Materials](#).

What should all Recognized Organizations do to prepare for potential changes to the DOJ R&A Program?

➤ **Renew timely.**

Ensure timely, electronic submission of recognition and accreditation renewals. Please check your expiration date on the [R&A roster](#) or refer to your approval letter from the Department of Justice, Executive Office for Immigration Review, Office of Legal Access Programs.

- Understand the requirements for renewal of DOJ recognition or accreditation. Refer to CLINIC's [Webinars on Applying for R & A](#) and [Application Support Materials](#) to learn more about the renewal process.
- Plan to file your application 90 days before the expiration date (*Please note: R&A credentials remain valid as long as applications are filed before the expiration date.*) Make sure to give yourself ample time to assemble your application and for CLINIC to review and provide comments on it.
- Submit your application for CLINIC's review through the [Affiliate Support Form](#) (ASF).
- Upon filing your application, make sure you receive confirmation of submission. If you do not receive confirmation prior to the expiration date, email the R&A program via r-a-info@usdoj.gov to confirm receipt.
- If you receive any request for more information from OLAP, contact CLINIC through the [ASF](#) for assistance.

- **Keep informed of any proposed changes.**
 - Make sure to [sign up](#) for CLINICs “Topline Immigration Policy Updates” (TIPs) and “Action Alert” email list since CLINIC is monitoring any proposed changes in the [Federal Register](#).
- **Conduct an inventory of all open/active court and/or administrative cases.**
 - Get a full accounting of the ILS program’s caseload.
 - Determine how many cases would be affected if the program was to be dismantled or if your program was unable to replace an Accredited Representative without significant delays.
 - Refer to CLINIC’s practice advisory [“Program Closure Considerations”](#) for steps on conducting a case inventory.
- **Develop alternative models of service.**
 - Consider limiting your agency’s contractual responsibilities with ongoing representation by incorporating limited scope representation agreements. Refer to CLINIC’s Practice Pointer on [Limited Assistance to Noncitizens With USCIS Applications](#) for more information.
 - Consider hosting group processing workshops and implementing more *pro se* filings. To learn about how to set up a group processing event, refer to CLINIC’s [Naturalization Workshop Toolkit](#).
- **Engage key stakeholders, including funders and donors.**
 - Reassure stakeholders of your organization’s commitment to the immigrant community by being transparent and communicative of any changes to the immigration program.
- **Partner with CLINIC if further advocacy is needed to ensure the continuation of the DOJ R&A Program.**
 - Collect stories about the positive impact the DOJ R&A program has had in supporting members of the community.

What additional preparation should a Recognized Organization undertake if all cases are being handled by DOJ Accredited Representatives?

- **Consider alternative staffing arrangements.**
 - Consider employing or contracting with immigration attorneys. If financial resources are limited, consider a part-time attorney(s) and/or attorney(s) new to the immigration field who may accept a lower salary in return for immigration law training and other fringe benefits. This may help during transition periods to help bridge gaps in services.
 - Build a volunteer base of *pro bono* attorneys who could continue the immigration cases in-house with the support of the ILS program staff. This could serve as a temporary measure until the ILS program hires an attorney or refers the cases to other local attorneys or immigration legal services organization with attorneys on staff. Refer to CLINIC’s webinar on [“Building Your Pro Bono Program”](#) for more information.

- **Establish and/or maintain partnerships and collaborations with local immigration attorneys, professional associations, and other immigration services providers**
 - Create and/or update your program's referral network. This includes a list of local attorneys or other local immigration legal services organizations with attorneys on staff willing to accept the cases. Inquire about their availability and willingness to accept cases.
 - To find immigration attorneys in your area, search:
 - [Immigration Advocates Network – National Legal Services Directory](#)
 - [Department of Justice List of Pro Bono Legal Service Providers](#)
 - [AILA "Find an Immigration Lawyer"](#)
 - State and local bar associations.
 - Examples of information you want to include for your referral network are:
 - Name of organization.
 - Service area (city/state/national).
 - Cases/types of specialization.
 - Current capacity – with a plan for keeping this information up to date.
 - Other non-legal services provided.
 - Preferred method of contact and referral method.

What additional preparation should a Recognized Organization do if cases are being handled by a mix of attorneys and DOJ Accredited Representatives?

Organizations should create a plan for transferring cases from Accredited Representatives.

- ILS programs with attorneys on staff can continue to offer immigration legal services even if the DOJ R&A Program is dismantled. Although the ability to practice immigration law is unaffected, the ILS program's capacity to offer these services will be. Staff attorneys may be asked to assume more cases, which may include both new as well as open/active cases from the Accredited Representative. This may not be realistic or advisable for staff attorneys to assume a high volume of cases without it impacting their ethical obligations to clients. Some factors to consider before transferring cases to your staff attorney include:
 - What is their current caseload?
 - Do they have the bandwidth to assume more cases? Make sure to discuss this with them, keeping in mind the importance of staff well-being and retention.
 - Do they have the expertise to handle the type of cases being transferred?
 - Have you considered other staffing arrangements? For instance, could the former Accredited Representative continue to provide case support under the supervision of the staff attorney?
 - If former Accredited Representatives continue to provide case support, ensure they are not engaging in the unauthorized practice of immigration law and are receiving adequate legal supervision and support from the supervising staff attorney. Refer to CLINIC's [resource](#) on preventing UPIL in your agency.
 - Make sure your case transfer policies and procedures are up to date. For more information on case management policies and procedures, refer to CLINIC's resource, "[How to Develop Meaningful Policies and Procedures: A Guide with Checklist and Template.](#)"

Consider the recommendations noted above for organizations with staff entirely made up of DOJ Accredited Representative(s). You may still want to develop a referral system, maintain partnerships/collaborations, develop new partnerships with the private bar, and think about alternative staffing arrangements in the event the DOJ R&A Program is dismantled.

Conclusion

Significant changes to the DOJ R&A program will be harmful for the immigrant community, and the impact will be significant for the ILS organizations whether they are staffed with attorneys and/or Accredited Representatives. Creating a plan to address potential changes to the DOJ R&A Program will help ensure that the immigrant community can continue to access quality and affordable immigration legal services.

Questions?

If your ILS program is downsizing or closing because of the federal funding freeze or if you have further questions about preparing a contingency plan in the event the DOJ R&A Program is dismantled, please reach out to CLINIC through the [Affiliate Support Form](#).