You're Approved – Now What? Next Steps for Starting Immigration Practice and Maintaining Accreditation

The practice of immigration law can be both exciting and challenging for newly accredited representatives. New practitioners have much to weigh and plan for as they begin their professional journey. This resource provides guidance and actionable steps to support a successful transition into practice following Department of Justice accreditation approval. It also includes information on best practices for maintaining and renewing accreditation with the Recognition and Accreditation program (RAP), the office which administers the Department of Justice Recognition and Accreditation Program (DOJ R&A).

1. Immediate Next Steps After DOJ Accreditation Approval

- ☐ Check the DOJ R&A Roster to make sure your information is correctly listed. If your information has not been posted after two weeks of approval, email the R&A program at r-a-info@usdoj.gov.
- ☐ ***Full Accreditation Only:*** Register with the Executive Office for Immigration Review (EOIR) via the eRegistration process to represent noncitizens in immigration court and the Board of Appeals.
- ☐ Retain a copy of your approval notice and document your accreditation expiration date in a system that will notify you about renewing your accreditation in advance of the deadline. Keep in mind that renewal applications must be filed by or before the expiration date to maintain accreditation status. While not required, RAP encourages filing the application at least 90 days before the expiration date.
- ☐ Know the requirements for accreditation renewal and take note of the following:
    - Accreditation will be valid for three years from the date of approval.
    - Accredited Representatives are required to participate in ongoing training on immigration law practice and procedures on a yearly basis for accreditation renewal.
    - Applications for renewal should be submitted to RAP and USCIS on or before the accreditation expiration date to avoid lapses in authorization to practice immigration law.

  For more information, refer to Request for Renewal of Accreditation (Partial or Full) Checklist.

2. Understanding Your Credential and Parameters of Legal Assistance

Accredited Representatives are restricted in their practice of immigration law. Partial accreditation allows representation before the Department of Homeland Security

(DHS). This includes U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Patrol (CBP), and U.S. Immigration and Customs Enforcement (ICE) interviews and examinations. Full accreditation allows legal representation before DHS, Immigration Courts, and Board of Immigration Appeals.

- ☐ Clearly communicate with prospective and current clients about your authorization to practice immigration law under the federal regulations, including any limitations to your legal assistance. If the prospective client is in removal proceedings, refer them to a fully accredited representative or immigration attorney experienced in these matters for further advice. Refer to "Ethical and Regulatory Boundaries for Partially Accredited DOJ Representatives in Assisting Noncitizens in Immigration Court" for more information about what a Partially Accredited Representative could ethically provide to noncitizens in removal proceedings without engaging in the unauthorized practice of immigration law.
- ☐ Access legal technical support for case questions or issues. Accredited Representatives do not need to be supervised by an attorney or have an attorney on staff to practice immigration law since obtaining accreditation authorizes individuals to practice under the federal regulations. DOJ-Recognized organizations that do not have an attorney on staff must demonstrate that they have access to legal technical support to maintain recognition. Refer to Request for Renewal of Recognition Checklist for further information.

3. **Know Your Immigration Program's Case Management Policies and Procedures**
   - ☐ Comply with your program's case management policies and procedures. This includes, but is not limited to, screening and intake, consultation, case selection, retainer agreements, case opening, maintaining organized case files and records, case review and filing, client communications, and case closing. Refer to the CLINIC resource, "How to Develop Meaningful Policies and Procedures – A Guide with Checklist and Template," if your organization is looking to create or update its program's policies and procedures.
   - ☐ Be familiar with your program's immigration case management software or database. Take the necessary trainings or tutorials on using the software or database. If your program does not have a case management database, review Benefits of Using a Case Management Database to learn more about the importance of having a case management database.

4. **Planning Your Casework and Caseload**
   - ☐ Discuss with your supervisor the following:
     - ✓ When to start accepting cases and sign G-28s and/or E-28s.
     - ✓ Your case mix, which includes the type and complexity of cases you will work on.
     - ✓ Your caseload: how many cases will you assume initially and what caseload expectations are moving forward?
     - ✓ Case review process and frequency: who will provide technical legal review for your cases before filing?

- ✓ Ensure you have reoccurring meetings with your supervisor to discuss any caseload concerns and training needs.

5. Know the Rules of Professional Responsibility for Practitioners

Practitioners must know the rules of professional responsibility to successfully engage in practice and provide effective legal representation. This entails the following:

- ☐ Reviewing the federal regulations governing conduct of **all** practitioners (including accredited representees) - 8 CFR §§ 292.3, 1003.101 to 1003.109.
- ☐ Reviewing the Model Rules of Professional Conduct and your State Bar's Canon of Ethics/Rules of Professional Responsibility. Note that while many accredited representatives may not be officially bound by these rules, they are considered best practices to protect the representative, the organization and the client's interests.
- ☐ Continuous training in ethics to sharpen your knowledge in this area and understand how to apply the various ethics rules when practicing.
- ☐ Ensure your organization implements policies and procedures that adhere to the ethics rules.
- ☐ Make sure to gain competency in any new practice area before proceeding with providing legal advice and/or representation.

For more information about your ethical obligations as a practitioner, see our Ethics Primer: Competence in Immigration Representation and Ethics Primer: Diligence in Immigration Representation.

6. Maintaining Immigration Law Knowledge

Continuing to develop strong legal knowledge and skills is essential for effective legal representation and for maintaining accreditation.

- ☐ Attend formal trainings in immigration law that are spread out over **each year** (or partial year) from the last date of accreditation approval. For example, do not wait to take trainings one year prior to renewal.
- ☐ Consider taking trainings in legal research, writing, and interviewing to sharpen those practice skills.
- ☐ Keep records of certificate of attendance or other verifiable proof of attendance for each training attended.
- ☐ Make sure to document the title, description, training format, date(s), hour(s) and training provider(s) for each training attended. See sample training log in the Request for Renewal of Accreditation (Partial or Full) Checklist
- ☐ Advocate for and ensure inclusion of professional development and training expenses in the immigration legal services program budget.
- ☐ Subscribe to CLINIC's Topline Immigration Policy updates, Action Alerts, and State and Local Advocacy Newsletter for updates on immigration law and policy.

Be sure to check CLINIC's Training Calendar for upcoming immigration law, ethics, and program management trainings.

7. Maintaining Immigration Experience

Accredited Representatives seeking renewal must demonstrate they have used their accreditation to practice immigration law. This may include:

- ☐ Consulting and advising on eligibility for immigration benefit(s).
- ☐ Preparing immigration forms and advising clients on how to respond to questions on the forms.
- ☐ Representing clients before USCIS and/or EOIR by filing G-28s and E-28s for immigration cases. Keep in mind that accredited representatives need to indicate their frequency of these filings in the EOIR-31A form for the renewal accreditation application.

If you are in a managerial position or your program provides limited scope immigration legal services where you don't file G-28s and/or E-28s or the filings of these forms are infrequent, make sure to:

- ☐ Keep records of how you are using your accreditation for immigration law practice during the accreditation period. This may entail activities such as legal supervision, conducting immigration law trainings, and providing legal assistance for *pro se* clients or at *pro se* clinics.
- ☐ Be prepared to explain why it is important for you to maintain your accreditation when renewing it.

Questions?

Access to CLINIC's technical assistance is available to CLINIC Affiliates and eligible CLINIC grant partners. CLINIC Affiliates can contact us via Ask the Experts for substantive legal questions and the Affiliate Support Form for program management and DOJ R&A questions. Eligible grant partners can contact us via method prescribed by the grant.

Conclusion

We hope this compilation of information and best practice tips will help you ease into practice and understand your next steps as a new practitioner. As challenging as immigration practice may be at times, your authorization to practice provides many noncitizens with access to legal representation that they may not otherwise have. Know that you are providing an invaluable service to the community, and your assistance is even more critical and important for the immigration field during this time.