How to Apply for Full Accreditation

March 6, 2024

Meet Your Presenters

Jessica Hernandez
Staff Advocate – Training and Technical Assistance

Helen Chen
Supervising Senior Attorney – Training and Technical Assistance

Lupe Perez Garcia
Senior Field Engagement Strategist – Field Engagement

Changes were made to the Department of Justice Recognition and Accreditation (DOJ R&A) application forms (EOIR-31 and EOIR-31A) in Nov. 2023.

Throughout the presentation, recent changes to the application process will be highlighted in green.
What will we discuss today?

- Brief background of DOJ Recognition and Accreditation
- Eligibility requirements for accreditation
- Preparing for full accreditation
- Assembling the full accreditation application
- Considerations for after approval
- R & A trends
- Resources

What best describes your position in your organization? (Select all that apply)

Where are you in the application process? (Select all that apply)
What is DOJ R & A?

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

Recognition and Accreditation Roster
https://www.justice.gov/eoir/recognition-accreditation-roster-reports

Claire has been a partial accredited representative for 2 years. Recently, more individuals in removal proceedings are requesting immigration legal assistance from her organization. There is a shortage of local immigration attorneys handling removal defense. The program director is seeking to expand immigration legal services to include removal defense and has asked Claire to consider obtaining full accreditation.

What are some program considerations? What should Claire do to get started with the process?
Hypo

Claire has been a partial accredited representative for 2 years. Recently, more individuals in removal proceedings are requesting immigration legal assistance from her organization. There is a shortage of local immigration attorneys handling removal defense. The program director is seeking to expand immigration legal services to include removal defense and has asked Claire to consider obtaining full accreditation. What are some program considerations? What should Claire do to get started with the process?

DOJ Accreditation: 2 Types

Partial
- Allows representation before DHS only
- Affirmative immigration cases / no immigration court involved

Full
- Allows representation before DHS & EOIR
- Defensive immigration cases / court involved
- Qualifications for full accreditation are greater than partial and will be carefully scrutinized by OLAP

Both types must renew every 3 years
Can request change from partial to full, at any time

Eligibility for Accreditation

- Must be an employee or volunteer of recognized organization
- Must have character and fitness to represent clients
- Must possess broad knowledge and adequate experience in immigration law and procedure
- Also, must establish individual possesses skills essential for effective litigation (full accreditation only)

- Cannot be an attorney eligible to practice law in the U.S.
- Cannot have resigned while under disciplinary investigation or proceeding
- Cannot be subject to any order disbarring or restricting practice of law
- Cannot be convicted of a serious crime anywhere in the world
- Cannot be contractor of the organization
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

Do you need to obtain partial accreditation before full accreditation?

It Depends!

Organization’s Considerations

Community Need
Who is doing removal defense in your community?
Are there nonprofits serving low-income people?
How many people is your program likely to serve at capacity?

Locality
How far are you from the immigration court?
Is there a federal, state, or local detention center in your area?
Is there a Legal Orientation Program in your area and, if so, do they need help with referring cases?

Program Capacity
Does it make sense for your program to expand services?
How will you staff these services?
How will you fund the services?
Is leadership supportive of your full accreditation?
**Community Need**
Who is doing removal defense in your community?
Are there nonprofits serving low-income people?
How many people is your program turning away or referring out for removal defense?

**Organization’s Considerations**

**Locality**
How far are you from the immigration court?
Is there a federal, state, or local detention center in your area?
Is there a Legal Orientation Program in your area and, if so, do they need help with referring cases?
Organization's Considerations

Program Capacity
Does it make sense for your program to expand services?

How will you staff these services?

How will you fund the services?

Is leadership supportive of your full accreditation?
Applicant's Considerations

Training, Education, or Experience

- Mentorship
- Court Observation
- Training

Mentorship

- Establish mentor/mentee relationship
  - In-House mentor (Attorney or Full Accredited Rep)
  - Partner Organizations
  - Private Attorneys
  - Remote Mentorship
- Shadowing
- Document prep
- Writing

Court Observation

- How to attend
- Types of hearings
  - Master Calendar Hearings (open to public)
  - Custody Redetermination Hearings or Bond hearings
  - Merits or Individual Hearings
- Frequency
- Types of Cases
  - Asylum/Withholding/Convention Against Torture
  - Non-LPR cancellation
  - LPR Cancellation
Training Options

- CLINIC’s partial to full training program
- EOIR – Model Hearing Program
- Immigration Advocate Network Calendar
- ASISTA Trainings
- National Immigration Project

The Accreditation Application

- Cover letter with list of enclosures
- Form EOIR-31A (Oct. 2022 Version)
- Information about past accreditations
- https://www.justice.gov/eoir/file/eoir31A/download
- Supporting documentation
If accredited previously at more than two orgs, you might need to write into the blanks “see addendum,” and attach an addendum.

### Supporting Documentation for Accreditation

#### Resume
- Describe immigration law hands-on experience under the supervision of an attorney or accredited representative
- Include list of trainings (optional)
- Include list of forms completed/assisted
- Immigration focused and recent information

#### Trainings
- Copies of certificates, affidavit of attendance, or other proof of trainings attended
- No older than three years
- List who gave the training, title, date, location, duration, type of training
- Include money for ongoing training in your annual budget

#### Letters of recommendation
- 2 letters of recommendation
- Work performed while working with the mentor
- Must address the individual’s qualifications to practice immigration (court practice)

#### Full Accreditation Only
- Evidence of court skills.
- Include Log demonstrating training and experience in immigration court.
- 2 redacted writing samples demonstrating written trial and appellate advocacy skills.
The Application Process

- File Form EOIR-31A for each staff person seeking full 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

Application Tips

- All supporting documentation in the initial application.
  - Cover letter
  - EOIR-31A (October 2022 version)
  - Resume
    - Include list of forms completed/assisted
    - If including trainings, submit proof (certificate, affidavit, etc.) & signatures on all training certificates.
  - Court observations demonstrating training and experiences (log)
  - 2 Letters of Recommendation
  - 2 redacted writing samples demonstrating written trial and appellate advocacy skills.

Application Tips cont.

- Unnecessary information.
  - Information older than three years for trainings.
  - PowerPoint presentations or agendas from trainings.
  - Do not include shadowing hours

Describe
- Describe experience in detail. Focus on immigration.

Proofread
- Make sure information is consistent.

Respond
- Respond to any OLAP requests promptly.

Peer Review
- Seek help from CLINIC before applying, if you’re an affiliate.
After Approval

- Executive Office for Immigration Review | eRegistration Validation Process
- Tips for beginning court practice
- Requirements for reporting changes
- Email R.A-Info@usdoj.gov

Renewal of Accreditation

- Updated resume with list of substantive immigration law trainings since date of most recent approval of accreditation
- Proof of trainings dated after most recent approval of accreditation; Copy of last letter of accreditation approval
- Information about previous accreditations with any organization(s)
- Frequency of service provided (see next slide)

NOTE: Letters of recommendation are not required for renewal.

Approx. # of E-28s*

* You might need to write "see addendum" and attach an explanation if you have not filed any G-28s/E-28s. You might include pro se work, consultations where a G-28 was not filed or other outreach in your explanation.
What happens if a program loses its only accredited representative?

Must notify OLAP promptly

- Removed from roster, placed on inactive status for up to 2 years

- Must renew recognition by expiration date, even if on inactive status

- Must apply for new staff to be accredited to keep recognition

- Recommend having 2+ accredited reps on staff

- Can no longer file G-28s/E-28s or provide legal representation unless you have an immigration attorney

- Must renew recognition by expiration date, even if on inactive status

- Must apply for new staff to be accredited to keep recognition

- Recommend having 2+ accredited reps on staff

R&A Trends

- Processing Times
- Background checks
- Proof of trainings
- Virtual Hearings
- E-mail submission

Resources

- EOIR R&A Website and FAQs: [https://www.justice.gov/eoir/recognition-and-accreditation-program](https://www.justice.gov/eoir/recognition-and-accreditation-program)
- CLINIC training calendar: [https://www.cliniclegal.org/training/calendar](https://www.cliniclegal.org/training/calendar)
- IAN training calendar: [https://www.immigrationadvocates.org/nonprofit/calendar/](https://www.immigrationadvocates.org/nonprofit/calendar/)
- EOIR’s Model Hearing Program: [https://www.justice.gov/eoir/model-hearing-program](https://www.justice.gov/eoir/model-hearing-program)
- E-Registry: [https://www.justice.gov/eoir/eregistry-program](https://www.justice.gov/eoir/eregistry-program)
- If you are a NAC partner/affiliate and would like to receive R&A assistance, please contact Jessica Hernandez, jhernandez@cliniclegal.org
2024 CLINIC Affiliation

• Non-Catholic Immigration Legal Services Providers can request to join the network as subscribers
  - Subscriber eligibility, benefits and process to request for application: https://cliniclegal.org/find-legal-help/affiliates/subscription
  - 2024 Annual dues for subscription: $1,800
  - Get in-depth technical assistance on legal issues and program management, including on your DOJ R&A application

Questions?

Embracing the Gospel value of welcoming the stranger, CLINIC promotes the dignity and protects the rights of immigrants in partnership with a dedicated network of Catholic and community legal immigration programs.

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