



Action Plan for Acquiring Department of Justice Recognition or Extension Sites

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Instructions

This action plan is designed to provide a broad overview of what is needed to apply for Department of Justice (DOJ) recognition. More detailed information on how to apply is available in [CLINIC's DOJ Recognition and Accreditation \(DOJ R&A\) checklists](#), which are referenced throughout this document.

Before beginning work towards DOJ recognition, applicants should review the list of eligibility requirements to make sure they qualify.

Definitions

- 1) **DOJ R&A:** Department of Justice recognition and accreditation.
- 2) **Recognition:** The authorization given to a nonprofit *organization* by the Department of Justice (DOJ) that allows that organization to offer immigration legal services through DOJ Accredited Representatives.
- 3) **Accreditation:** The authorization given to an *individual* person that allows them to practice immigration law through a DOJ recognized organization.
- 4) **EOIR:** Executive Office for Immigration Review (in charge of the DOJ R & A program and immigration court proceedings).
- 5) **Authorized Officer:** A designated person at an organization who is the primary communicator with EOIR regarding DOJ R&A.
- 6) **Extension Site:** A sub-office of an organization for which DOJ recognition is requested. The extension office must regularly offer immigration legal services through at least one Accredited Representative. The extension office must demonstrate shared operations, management, and funding with the headquarters.

Eligibility requirements for agency recognition under [8 CFR 1292.11](#):

- Be a nonprofit religious, charitable, social service, or similar organization.
- Have federal tax-exempt status.
- Provide immigration legal services primarily to low-income or indigent clients within the United States.
- Have access to adequate knowledge, information, and experience in immigration law and procedure.
- Be simultaneously applying for at least one employee or volunteer to be accredited, and must maintain at least one Accredited Representative.
- Designate an authorized officer to act on its behalf.

Step 1: Assess for Eligibility

Goal: Determine if the organization is eligible for DOJ recognition.

Action Items:

- ☐ Check for eligibility:

The list below provides generalizations of the eligibility requirements. For further details, please see page 1 of this action plan and read the regulations at [8 CFR 1292.11](#). If the organization answers “no” to any of the following, they should do additional research to determine eligibility:

- ☐ Nonprofit Status (See [8 CFR 1292.11\(a\)\(1\)](#) and [8 CFR 1292.11\(a\)\(2\)](#))
 - ☐ **Yes** ☐ **No:** Is the organization currently recognized as a nonprofit religious, charitable, social service, or similar organization?
 - ☐ **Yes** ☐ **No:** Does the organization currently hold or have a pending application for federal tax-exempt status?
 - ☐ **Yes** ☐ **No:** Does the organization currently provide or plan to provide immigration legal services to primarily low-income or indigent individuals?
- ☐ **Yes** ☐ **No:** Does the organization plan to apply for DOJ accreditation of at least one staff member or one volunteer?
- ☐ Read the [Action Plan for Acquiring DOJ Partial Accreditation](#) to assess eligibility.
- ☐ **Yes** ☐ **No:** Does the organization have someone who can be designated as the authorized officer of the organization? (See definition on page 1.)

NOTE: To be eligible, organizations must also meet the following criteria, which will be addressed throughout this action plan:

- Organizations that charge fees must have a written policy to accommodate clients who are unable to pay.
- Organizations must have access to adequate knowledge, information, and experience in immigration law and procedure.

Extension Requirements: For organizations with multiple locations that wish to offer legal services at those sites (extension sites).

- ☐ **Yes** ☐ **No:** Do the proposed sites meet the definition of *extension site* (See [8 CFR 1292.15](#))?
- ☐ **Yes** ☐ **No:** Do the extension sites periodically undergo inspection (such as virtual or in-person site visits or work product reviews)?
- ☐ **Yes** ☐ **No:** Do the extension sites receive supervision and direction from the organization?
- ☐ **Yes** ☐ **No:** Does each extension site have access to adequate legal resources?
- ☐ **Yes** ☐ **No:** Does the organization share operations, management structure, and funding sources with the headquarters/main location?

Resources

- Webinar Recordings in [General Information](#)
- FAQ: [The Basics of DOJ Recognition and Accreditation](#)
- [DOJ Recognition and Accreditation Toolkit](#)
- [EOIR FAQ](#) for DOJ R&A

Step 2: Make a Plan

Goal: Review the action plan entirely, set deadlines, and make a plan.

Action Items:

- ☐ Assess if sufficient need for immigration legal services exists in the community and identify any gaps in the community.
- ☐ Determine if the organization will have the adequate technical legal assistance required to be eligible for DOJ recognition. It is necessary that at least one of the following is true:
(SELECT ONE)
 - ☐ **Yes** ☐ **No**: Does the organization have any immigration attorneys on staff?
OR
 - ☐ **Yes** ☐ **No**: Does the organization have an agreement or proof of formal arrangement with a non-staff immigration practitioner or recognized organization for which they can receive consultations or technical assistance on immigration legal matters?
(NOTE: CLINIC Affiliates are eligible to receive a letter of technical assistance that meets this requirement.)
OR
 - ☐ **Yes** ☐ **No**: Does the organization have a plan to **obtain** either an immigration staff attorney or an external formal agreement for technical legal assistance prior to applying for DOJ recognition? If yes, please explain. If no, the organization may be ineligible for DOJ recognition. See Step 4 for more detailed examples if needed.
- ☐ Select an authorized officer. Name: _____
- ☐ Name(s) of the individual(s) who will be applying for DOJ accreditation:

- ☐ Read all the steps (3 through 13) to gain an understanding of the whole process.
- ☐ Fill in dates for the deadlines in each step.
- ☐ Confirm the plan with the organization's board.

Extension Requirements: For organizations requesting extension sites.

- ☐ List the addresses of each extension site. Use additional pages if needed.
Site 1: _____
Site 2: _____

Resources:

- Webinar Recordings in [General Information](#)
- FAQ: [The Basics of DOJ Recognition and Accreditation](#)
- [Application Support Materials](#) (Including Checklists for Initial Recognition and Extensions)
- [DOJ Recognition and Accreditation Toolkit](#)
- [EOIR FAQ](#) for DOJ R&A
- [Join the CLINIC Affiliate Network](#)

Step 3: Organizational Goals for Immigration Legal Services

Goal: Write a mission statement for the immigration legal services program and determine what types of services will be offered.

What element(s) of DOJ recognition does this step support?

- Provide immigration legal services primarily to low-income or indigent clients within the United States. (See [8 CFR 1292.11\(b\)](#))

Deadline(s): _____ (date)

Action Items:

- ☐ Write a mission statement for the immigration services program.
 - ☐ The mission statement needs to demonstrate that the organization is a religious, charitable, social service, or other similar organization.
 - ☐ If the immigration legal services program is part of a larger organization that already has a mission statement, the immigration program should write their own mission statement.
- ☐ Create a list of services that will be provided.
- ☐ Determine if the organization will charge legal fees. **CHECK ONE:**
 - ☐ The organization will charge fees. Create a fee schedule with services offered and prices.
 - ☐ The organization will not charge fees. Create a list of services and state that all services are free of charge.

Resources:

- [Checklist: Request for New Recognition](#) (Includes mission statement and description of legal services tips and fee schedule tips with sample)
- [Calculating Fees for Services](#) (Affiliate access only)

Step 4: Technical Legal Assistance

Goal: Establish relationships, or gather information from existing relationships, to prove your organization has sufficient immigration legal technical assistance.

What element(s) of DOJ recognition does this step support?

- Have access to adequate knowledge, information, and experience in immigration law and procedure (See [8 CFR 1292.11\(a\)\(4\)](#) & [8 CFR 1292.11\(e\)](#))

Deadline(s): _____ (date)

Action Items:

- ☐ Complete either item A **OR** item B to demonstrate proof of technical legal assistance:

ITEM A

☐

Request resumes from staff attorney(s) with immigration experience:

- ☐ Name of Attorney: _____ Deadline to provide resume: _____
- ☐ Name of Attorney: _____ Deadline to provide resume: _____
- ☐ Name of Attorney: _____ Deadline to provide resume: _____
- ☐ Name of Attorney: _____ Deadline to provide resume: _____

ITEM B

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Show proof of technical legal assistance by one of the following three options: CIRCLE ONE.

- 1) If using non-staff immigration practitioner(s) and/or other Recognized Organization(s) for technical legal assistance:
 - ☐ Obtain a written agreement or contract, as proof of a formal arrangement, with the non-staff immigration practitioner who has agreed to assist your organization and your accredited representative with substantive legal questions, consultations, and technical assistance.
Deadline: _____
 - ☐ Obtain resumes from non-staff immigration practitioners who are part of the agreement.
Deadline: _____
- 2) If using CLINIC affiliation as technical legal assistance:
 - ☐ Request a "Letter of Technical Legal Assistance" through the [Affiliate Support Form](#). You must be logged into your Affiliate account to request this letter.
Deadline: _____
 - **NOTE:** This letter does not have to be requested at the beginning of this process. Affiliates may request CLINIC review their final application for DOJ R&A and a letter for technical legal assistance through the [Affiliate Support Form](#) at any time.
- 3) Request a letter of technical legal assistance from another immigration legal technical assistance provider. [CLINIC can neither confirm nor deny if a technical legal assistance provider will sufficiently meet this eligibility requirement. Organizations applying for recognition should speak directly to their technical legal assistance provider to determine eligibility.]
Deadline: _____

Resources:

- [Affiliate Support Form](#)
- [Checklist: Request for New Recognition](#) (Contains sample letter of agreement to provide technical legal assistance. This must be written by the person or organization offering the technical legal support.)

Step 5: Fees and Fee Waivers/Reductions

Goal: Write a fee schedule and a fee waiver/reduction policy, if the organization does not already have them.
(If the organization is not charging any fees, this step can be skipped.)

What element(s) of DOJ recognition does this step support?

- Provide immigration legal services primarily to low-income or indigent clients within the United States.
(See [8 CFR 1292.11\(a\)\(1\)](#) & [8 CFR 1292.11\(b\)](#))

Deadline(s): _____ (date)

Action Items:

- ☐ Write a fee schedule.
 - ☐ Make sure the fee schedule prices are appropriate for an organization that serves primarily low-income individuals.
- ☐ Write a policy to accommodate clients who are unable to pay. (Fee waiver or fee reduction policy)

Resources:

- [Checklist: Request for New Recognition](#) (Includes fee waiver/reduction policy tips and sample)
- [Calculating Fees for Services](#) (Affiliate access only)

Step 6: Organizational Structure

Goal: Create an organizational chart to demonstrate how the organization functions.

What element(s) of DOJ recognition does this step support?

- Have access to adequate knowledge, information, and experience in immigration law and procedure (See [8 CFR 1292.11\(a\)\(4\)](#) & [8 CFR 1292.11\(e\)](#))

Deadline(s): _____ (date)

Action Items:

- ☐ Create an organizational chart. The chart should include the following:
 - ☐ If the organization offers services outside of immigration legal services, the organizational chart should focus on the immigration services only.
 - ☐ Start with the board of directors and include all staff members who work for the immigration legal services program. If your organization has other departments outside of immigration legal services, those do not need to be listed.
 - ☐ Make sure that the levels of supervision and oversight are clear and easy to understand.
 - ☐ Include names, titles, and credentials of each staff member. It's recommended that the intending accredited representative's credentials should state "pending DOJ accreditation."
 - ☐ Include the names, titles, and credentials of volunteer Accredited Representatives or volunteer attorneys.
- ☐ Organizations should not include **external** technical legal assistance providers in the organizational chart.

Extension Requirements: For organizations requesting extension sites.

- ☐ Extension sites and staff located at the sites should be included on the organizational chart.
- ☐ The organizational chart should demonstrate that the extension sites are being supervised.

Resources:

- [Checklist: Request for New Recognition](#) (Includes organizational chart tips and sample)
- [Checklist: Request for Extension of Recognition](#) (Includes organization chart tips and sample for organizations with extension sites)

Step 7: Budget(s)

Goal: Gather or create either existing or proposed budgets.

What element(s) of DOJ recognition does this step support?

- Be a nonprofit religious, charitable, social service, or similar organization (See [8 CFR 1292.11\(a\)\(1\)](#)).
- Provide immigration legal services primarily to low-income or indigent clients within the United States. (See [8 CFR 1292.11\(b\)](#))

Deadline(s): _____ (date)

Action Items: Number of budgets to include: **CHOOSE ONE:**

- 1) The organization has already been offering legal services with attorneys:
 - ☐ Provide budget for the current year, and
 - ☐ Provide budget for the prior year.
- 2) The organization will be offering legal services once the application for DOJ R&A is approved.
 - ☐ Provide a proposed budget.
 - ☐ Use the fees from Step 5 to help calculate projected fee-based revenue.

Extension Requirements: For organizations requesting extension sites.

- ☐ To be eligible for recognition, the organization should have one budget that includes all sites.

Resources:

- [Checklist: Request for New Recognition](#) (Includes budget tips and sample)
- [Checklist: Request for Extension of Recognition](#) (Includes budget tips and sample for organizations with extension sites)

Step 8: Immigration Legal Resources

Goal: Compile a list of all printed, digital, and online legal sources that will be available to staff for the purposes of performing legal research.

What element(s) of DOJ recognition does this step support?

- Have access to adequate knowledge, information, and experience in immigration law and procedure (See [8 CFR 1292.11\(a\)\(4\)](#) and [8 CFR 1292.11\(e\)](#))

Deadline(s): _____ (date)

Action Items:

- ☐ Gather and purchase legal resources.
- ☐ Create a list of all primary, secondary, and tertiary legal resources to which the organization has access.
- ☐ Include print, digital, and online sources.
- ☐ Make sure that versions of printed key resources, like the Immigration and Nationality Act (INA) and Title 8 Code of Federal Regulations (8 CFR), are up-to-date within the last year or two. Listing electronic versions of INA and 8 CFR is sufficient

Extension Requirements: For organizations requesting extension sites.

- ☐ Indicate which resources are available at each extension site or state that the entire list is available at every extension site.

Resources:

- [Checklist: Request for New Recognition](#) (Includes law library tips and sample)
- [Checklist: Request for Extension of Recognition](#) (Includes law library resources tips and sample for organizations with extension sites)
- [Digital Version of 8 CFR](#)
- [Digital Version of INA](#) (USCIS Website)

Step 9: Organizing Documents and Proof of Nonprofit Status

Goal: Get copies of the organization's organizing documents, proof of nonprofit status, and proof of federal tax-exempt status.

What element(s) of DOJ recognition does this step support?

- Be a nonprofit religious, charitable, social service, or similar organization.
(See [8 CFR 1292.11\(a\)\(1\)](#) & [8 CFR 1292.11\(b\)](#))
- Have federal tax-exempt status (See [8 CFR 1292.11\(a\)\(2\)](#) & [8 CFR 1292.11\(d\)](#))

Deadline(s): _____ (date)

Action Items:

- ☐ Get proof of nonprofit status from appropriate state agency, **if applicable**.
(See [Checklist: Request for New Recognition](#) for more information.)
- ☐ Get copies of the organization's Bylaws or Articles of Incorporation. (Only one is needed.)
- ☐ Obtain a copy of the IRS determination letter approving federal tax-exempt status or provide proof that federal tax-exempt status has been requested.

NOTE: Organizations with pending federal tax-exempt status will have to show proof of approval before DOJ recognition will be approved.

Resources:

- [Checklist: Request for New Recognition](#) (Includes tips for collecting organizing documents)

Step 10: Form EOIR-31

Goal: Fill out Form EOIR-31 Request for New Recognition, Renewal of Recognition, Extension of Recognition of a Non-Profit Religious, Charitable, Social Service, or Similar Organization.

What element(s) of DOJ recognition does this step support?

- All Elements: The form includes questions that touch on every element of eligibility.
- Simultaneously applying for at least one employee or volunteer to be accredited and must maintain at least one Accredited Representative. (See [8 CFR 1292.11\(a\)\(3\)](#))

Deadline(s): _____ (date)

Action Items:

- ☐ Fill out Form EOIR-31. (See resources below)
- ☐ Request the signature of the authorized officer.
- ☐ Whoever sends the application to USCIS and EOIR will fill out and sign the proof of service section on EOIR-31.
- ☐ Attach at least one application for accreditation. (EOIR-31A)

NOTE: Pay special attention to the instructions throughout the form. Some sections are only for Renewal of Recognition or Extension Sites. This action plan only addresses initial recognition and optional Extension Sites.

Resources:

- [Checklist: Request for New Recognition](#) (Includes tips on filling out EOIR-31)
- [EOIR Recognition and Accreditation Website](#) (Includes form EOIR-31).
- [USCIS District Office Locator](#) (provides USCIS district office's information and email).
- [EOIR FAQ for DOJ R&A](#).
- [Action Plan for Acquiring DOJ Partial Accreditation](#) (to assist in attaching an application for accreditation)

Step 11: Cover Letter (all applications) | Declaration of Authorized Officer (extension sites only)

Goal: All applicants should write a cover letter explaining that the organization meets the eligibility requirements for DOJ Recognition and outlines a list of enclosures.

What element(s) of DOJ recognition does this step support?

- A cover letter is not required, but CLINIC recommends including one, especially if applying for extension sites.
- The declaration of authorized officer is required for organizations who are requesting extension sites (See [8 CFR 1292.15](#))

Deadline(s): _____ (date)

Action Items:

- ☐ Include a brief description of the legal services to be offered.
- ☐ Application(s) for DOJ accreditation (EOIR-31A and corresponding evidence) can share a cover letter with the application for DOJ recognition if applying simultaneously.
- ☐ Recommendation: Typically, the cover letter is written and signed by the authorized officer, but that is not required.
- ☐ Recommendation: Include a list of enclosures and attach the documentation in the same order as the list of enclosures. (See Step 12 for a checklist of the items that should be enclosed.)

Extension Requirements: For organizations requesting extension sites.

- ☐ Include language about extension sites, operations, and supervision in the cover letter. (See sample cover letter from [Checklist: Request for Extension of Recognition](#).)
- ☐ **Declaration of Authorized Officer:**
 - ☐ If the organization is requesting extension sites, a declaration from the Authorized officer should be in writing and confirm that the elements of [8 CFR 1292.15](#) are met. This is a separate document from the cover letter.

Resources:

- [Checklist: Request for New Recognition](#) (includes cover letter tips and sample).
- [Checklist: Request for Extension of Recognition](#) (Includes cover letter tips and sample for organizations with extension sites.)
- [Checklist: Request for Extension of Recognition](#) (Includes declaration from the authorized officer tips and sample.)

Step 12: Submit the Application

Goal: Send application for recognition to R&A program and the assigned USCIS District Office.

Deadline(s): _____ (date)

Action Items:

- ☐ Organize all paperwork in the following order and scan it into one single PDF document. Enclosures should include:
 - ☐ Cover letter (optional)
 - ☐ EOIR-31
 - ☐ Proof of nonprofit status from state agency (if applicable in your state)
 - ☐ Organizing documents:
 - ☐ Bylaw or Articles of Incorporation
 - ☐ Mission Statement
 - ☐ Description of legal services provided or to be provided
 - ☐ Fee schedule (if charging fees)
 - ☐ List of services stating no fees charged (if not charging fees)
 - ☐ Fee waiver/reduction policy (if applicable)
 - ☐ Proof of Federal tax-exempt status
 - ☐ Immigration program budget
 - ☐ Current and prior year (if already offering immigration legal services)
 - ☐ Proposed budget (if not yet offering immigration legal services)
 - ☐ List of law library resources
 - ☐ Organizational Chart
 - ☐ Proof of technical legal support:
 - ☐ Resumes of attorneys on staff, or
 - ☐ Proof of formal agreement with external organization or individual
 - ☐ At least one application for DOJ accreditation
- ☐ Proofread the application.
- ☐ Use the district office locator (below) to find the correct district office by searching by the zip code of the recognized organization. If the organization has extension sites, search by the zip code of every site. There might be more than one USCIS district office assigned to the organization.
- ☐ Send the application as a single PDF attachment via email to both R&A program **and** the USCIS district office(s). (This can be one email going to both of them together.)

Extension Requirements: For organizations requesting extension sites.

- ☐ Include the Declaration from the Authorized Officer after Form EOIR-31.

Resources:

- [EOIR Recognition and Accreditation Website](#) (provides DOJ R&A program's email).
- [USCIS District Office Locator](#) (provides USCIS district office's information and email).
- [EOIR FAQ](#) for DOJ R&A.

Step 13: After Submission

Goal: Wait for a decision. If the DOJ R&A program requests additional information, respond to their request before the given deadline.

If denied, file a request for reconsideration or a new application. If approved, maintain recognition and record keeping.

Date of Decision: _____ (date)

- ☐ Approved – Maintain recognition.
- ☐ Denied – File a request for reconsideration or a new application.

Action Items:

- ☐ If denied, determine if a request for reconsideration will be filed or if the application will be re-filed as a new application. Requests for reconsideration must be sent within 30 days of the denial. (See [8 CFR 1292.17\(d\)](#)).
- ☐ If approved, the organization will receive a letter of approval of DOJ recognition and be added to the EOIR Roster. (See below).
- ☐ Organizations will be responsible for renewing recognition before it expires.
 - ☐ DOJ recognition will initially be valid on a conditional basis for two years from the date of approval. (See [8 CFR 1292.16\(b\)\(1\)](#).)
 - ☐ After the conditional recognition period, the organization will apply for renewal of recognition. The renewal, if approved, will be valid for six years and conditional status will be removed. (See [8 CFR 1292.16\(g\)](#).)
 - ☐ Applications for renewal should be submitted to the DOJ R&A program and USCIS on or before the DOJ Recognized Organization's expiration date to avoid lapses in authorization to practice immigration law.
 - ☐ Organization must keep yearly records called annual summaries to submit with their applications for renewal.
- ☐ If the organization loses all its Accredited Representative(s), the organization will be placed on inactive status and unable to practice immigration law. (See [8 CFR 1292.16\(i\)](#).)

Resources:

- [EOIR Recognition and Accreditation Website](#) (provides DOJ R&A program's email).
- [USCIS District Office Locator](#) (provides USCIS district office's email).
- [Checklist: Request for Renewal of Recognition](#) (Includes annual summary tips and sample.)
- [EOIR Roster](#).