
INSTRUCTIONS

Purpose of Form

Initial Accreditation

The Department of Justice (DOJ), through the Executive Office for Immigration Review's (EOIR) Recognition and Accreditation (R&A) Program, may authorize a non-attorney ("Accredited Representative") to practice immigration law. Only a DOJ Recognized Organization (or an organization that is concurrently applying for DOJ Recognition on Form EOIR-31) may request accreditation on behalf of its proposed representative(s). To apply, the organization must submit this Form EOIR-31A to EOIR with supporting documentation for adjudication. An Accredited Representative must be an employee or volunteer of the organization and satisfy the eligibility criteria found at 8 C.F.R. § 1292.12. If approved, the Accredited Representative will be authorized to represent clients before the Department of Homeland Security (DHS) and, in some cases, EOIR's immigration courts and Board of Immigration Appeals (BIA). An individual's accreditation is tied to the Recognized Organization that submitted the application, so the Accredited Representative may only provide immigration legal services out of that Recognized Organization's approved office(s).

Only Recognized Organizations may submit requests for individuals' accreditation (Form EOIR-31A), and must submit a separate accreditation application for each proposed representative. If the proposed representative intends to work for more than one Recognized Organization, each organization must submit a separate Form EOIR-31A on the representative's behalf.

Example 1: Joe works part-time for Immigration Organization and part-time for Help for Immigrants, two distinct legal entities. Both entities must submit separate Forms EOIR-31A on Joe's behalf.

Example 2: Joe works for Immigration Organization with offices in City A, City B, and City C. Joe intends to work out of all three locations. Each office was recognized separately and has not obtained Extension of Recognition (see Form EOIR-31 Instructions). Even though the offices are part of the same legal entity, due to their separate recognition, EOIR treats them as independent organizations for R&A purposes. Each location must submit a separate Form EOIR-31A on Joe's behalf, for a total of three application packets.

Example 3: Joe works for Immigration Organization with offices in City A, City B, and City C. Joe intends to work out of all three locations. Immigration Organization has obtained extension of recognition, such that the office in City A is the principal office and the offices in City B and City C are its subordinates. Immigration Organization only needs to submit one Form EOIR-31A on Joe's behalf.

Renewal of Accreditation

Accreditation is valid for a period of three years from the date of approval. Recognized Organizations must submit this form to apply for renewal on behalf of each Accredited Representative prior to each accreditation's expiration. An Accredited Representative may continue to provide immigration legal services while a timely submitted Form EOIR-31A is pending determination. This requirement does not result in the Recognized Organization's need to apply for renewal outside of its renewal schedule. The two renewal schedules run independently of each other; however, if the expiration dates happen to coincide, the Recognized Organization may submit the renewal applications concurrently.

Change of Accreditation Type

At any time, a Recognized Organization may request a change to an Accredited Representative's type of accreditation. This includes a change from full accreditation to partial accreditation or vice versa.

How to Complete

Part 1. Non-Attorney Representative Information

Provide the representative's complete name and any other names used. Also provide the representative's daytime phone number and email address.

Check the appropriate box(es) for the type(s) of accreditation requested.

- Initial accreditation: Check this box if your organization:
 - Has never requested accreditation for the representative;
 - Previously requested accreditation for the representative and was disapproved; or
 - Previously obtained accreditation for the representative but the representative is no longer accredited because of expiration of accreditation, lapse in employment, or other circumstances.

Also indicate whether your organization seeks partial or full accreditation. Partial accreditation authorizes an Accredited Representative to appear before DHS, while full accreditation authorizes an Accredited Representative to appear before both DHS and EOIR (the immigration courts and the BIA). Refer to the instructions under Part 2.B. below for information regarding the additional documentation that must accompany an application for full accreditation.

- Renewal of accreditation: Check this box if your representative is currently accredited and his or her accreditation is expiring. Expiration dates may be found on the R&A Rosters or by consulting the representative's accreditation approval letter. Enter your representative's accreditation expiration date in the space provided.

EOIR recommends that organizations apply for renewal of a representative's accreditation three months prior to expiration. Nevertheless, an application submitted by the expiration date will be timely. A representative's accreditation will remain valid pending EOIR's determination.

- Change of accreditation type: An organization may request at any time a change of accreditation type, whether from full to partial accreditation or partial to full accreditation.
 - A change **from full to partial accreditation** does not require the submission of Form EOIR-31A; instead, the organization's Authorized Officer may request the change via email or mail. However, if the change is requested in conjunction with the renewal of the representative's accreditation, then the organization must submit Form EOIR-31A.
 - A change **from partial to full accreditation** does require the submission of Form EOIR-31A and is treated like an accreditation renewal application. Therefore, the organization should submit documentation supporting both eligibility for full accreditation and for renewal of accreditation.

Provide the name of the organization requesting accreditation and its website. Check the appropriate box to indicate whether the organization is currently DOJ Recognized or not. Only a Recognized Organization may obtain accreditation on behalf of an individual. If the organization is not recognized, it must submit a concurrent Form EOIR-31 application packet with this application.

List the address(es) of any of the organization's office locations where the representative works or intends to work. Attach additional sheets if necessary.

Part 2. Qualifications for Accreditation

A. About the Representative

An attorney who is eligible to practice law in the United States does not qualify for DOJ Accreditation. *See* 8 C.F.R. § 1001.1(f) for the definition of *attorney*. Check the appropriate box indicating whether or not the representative meets this definition.

Check the appropriate box to indicate the representative's status with your organization (i.e., employee, volunteer, or other). If the representative is affiliated with your organization but not as an employee or volunteer, check the "Other" box and provide an explanation. The résumé or other description of the representative's qualifications should reflect how frequently the representative has worked with your organization's immigration legal services program.

Use the spaces provided, attaching additional sheets if necessary, to describe any previous applications that have been submitted to the R&A Program on this representative's behalf. Include all applications ever submitted, whether by your organization or any other. For each application, list the date submitted, the name of the applicant organization, and the outcome of the application. If the representative is no longer affiliated with any of the organizations listed, indicate his or her reason for leaving.

B. Representative's Knowledge and Experience

Partial Accreditation

A representative must possess broad knowledge and adequate experience in immigration law and procedure in order to be accredited by the DOJ. Your organization should indicate whether it believes that the representative meets this requirement and submit the proof described in 8 C.F.R. § 1292.12(c). If the answer is "no" or you are unsure, you should attach an explanation providing more information. The regulations require that your organization submit all of the documents listed below.

- Description of qualifications: Submit a description of the representative's qualifications to practice immigration law, including education and experience. Provide relevant details such as dates, durations, locations, and duties assigned.
- Training: Submit specific proof of training, either a certificate of completion from the training organization or a similarly verifiable record for each immigration-related training the representative has attended. Ensure that each training record includes or is accompanied by the title of the training, the provider's name, date(s) and duration of the training, presenters' names and titles, topics covered, the training method (e.g., in person or online), and whether the training was open to the public. Training must be formal; it should be preplanned, rather than impromptu, and taught by a qualified instructor. The purpose of the training should be to educate attendees on specific aspects of immigration law and procedure. Examples of activities that are not considered formal training (but may be used to support immigration law experience) are self-study, program management classes, case-review meetings, stakeholder meetings with U.S. Citizenship and Immigration Services (USCIS), and volunteering at workshops. An application for renewal of accreditation must establish that the representative has continued to receive formal training in immigration law and procedure during the past three years. Attach the documentation described above for each year since each individual's most recent accreditation approval.
- Fundamentals course: Applications for initial accreditation, whether full or partial, must contain documentation showing that the representative has completed at least one course on the fundamentals of immigration law, procedure, and practice. While the specific content of a fundamentals course may vary, the

curriculum should be designed to give the attendee a broad overview of immigration law. Generally, a fundamentals course in immigration law should cover various forms of relief before the immigration courts and DHS, such as naturalization, family-based petitions, grounds of inadmissibility and removability, removal defenses, immigration consequences of crimes, and case management. Courses focusing primarily on the history of U.S. immigration law and theoretical concepts will generally not satisfy the requirement without an additional practical course or training, such as through a law school immigration law clinic. Specific proof of training, either a certificate of completion from the training organization or a similarly verifiable record must be submitted. Applications for renewal of accreditation do not need to include proof of attendance at a fundamentals course, but must include proof of training for continuing education per agency policy.

- Letters of recommendation: Applications for initial accreditation, whether full or partial, must also contain at least two letters of recommendation attesting to the representative's broad knowledge and adequate experience in immigration law and procedure. The authors must be qualified to write the letters, both because they are familiar with the representative's qualifications and because they themselves are familiar with immigration law and procedure. For example, a qualified author could be a current or former supervisor. The letters should provide detailed information rather than just conclusory statements that the representative "has broad knowledge and adequate experience in immigration law." The same or different letters may also address the representative's character and fitness. Applications for renewal of accreditation do not need to include letters of recommendation unless requested by EOIR.

Full Accreditation

Because a fully Accredited Representative can appear before EOIR without attorney supervision, the representative must possess skills essential for effective litigation and advocacy in addition to meeting all of the requirements for partial accreditation. 8 C.F.R. § 1292.12(a)(6), (c).

- Litigation skills: An organization that is applying for full accreditation of one of its representatives must submit documentation showing that the representative possesses skills such as:
 - Performing legal research;
 - Presenting documentary evidence at a hearing before an immigration judge;
 - Questioning witnesses at a hearing before an immigration judge;
 - Pursuing appeals before the BIA; and
 - Preparing motions and briefs for consideration by an immigration judge or the BIA.
- Advocacy skills: An application for full accreditation must also show how the representative has developed trial and appellate advocacy skills, whether through training, education, or experience. For example, an organization may submit:
 - A log of hours and observations from attending immigration court hearings;
 - A log of hours spent shadowing an attorney or Accredited Representative who practices before EOIR;
 - A chart tracking cases pending before EOIR that the representative has assisted with and specifying in what capacity;
 - Redacted writing samples of briefs and motions co-authored by the representative;
 - Evidence of attendance at trainings that focus on practice before EOIR and the development of advocacy skills;
 - Documentation showing participation in mock trials or similar activities; and
 - Letters of recommendation that describe in detail the sources of the representative's advocacy-related skills, knowledge, and experience, written by authors with first-hand knowledge of these skills.

An Accredited Representative who seeks to renew his or her full accreditation should indicate the litigation- and advocacy-related training received and examples of cases represented before EOIR since last accreditation. If an Accredited Representative has not used his or her full accreditation in the last three years by representing clients

before EOIR, EOIR may presume that full accreditation is no longer needed and might only approve renewal of partial accreditation instead.

Renewal of Accreditation

For renewal of accreditation applications only, indicate approximately how often during the past three years the Accredited Representative has entered an appearance before USCIS or EOIR on Forms G-28, E-28, or E-27.

C. Background of Accredited Representative

EOIR's authorization of individuals to provide factual and legal representations in immigration proceedings requires Accredited Representatives to have the character and fitness to make such representations before DHS, or the immigration courts and the BIA, or before all three. The purpose of this requirement is to ensure that Accredited Representatives are individuals whom the public can trust to provide competent and reliable immigration legal services. This requirement also protects the integrity of the R&A Program.

For Accredited Representatives' applications, the Authorized Officer should indicate whether each representative is an upstanding, trusted community member. You should be candid and demonstrate that each representative is qualified to be a DOJ Accredited Representative. If the answer is "no," or you are unsure, you should attach an explanation providing more information.

With limited exceptions, only licensed attorneys and DOJ Accredited Representatives may represent others in immigration legal matters. 8 C.F.R. §§ 292.1, 1292.1.

Character and fitness includes, but is not limited to, factors such as criminal background; prior acts involving dishonesty, fraud, deceit, or misrepresentation; past history of neglecting professional, financial, or legal obligations; and current immigration status that presents an actual or perceived conflict of interest. 8 C.F.R. § 1292.12(a)(1). If any of these or other factors apply to a representative, whether before accreditation or during a period of accreditation, the organization should be completely honest and forthcoming with EOIR. It is better to be overly inclusive than to omit information. Attach a separate explanation containing more information if your organization answers "yes" to any of the questions in Part 2.C.

The representative's date of birth will be used to conduct criminal background checks.

Part 3. Declaration of Authorized Officer

Every Recognized Organization must designate an Authorized Officer who will act on behalf of the organization in recognition and accreditation matters. Because the Authorized Officer will serve as the principal point of contact for EOIR, the organization must provide his or her valid email address and phone number. The Authorized Officer need not be the President or Executive Director of the organization, but rather should be someone who is accessible to EOIR and knowledgeable about the organization's immigration legal services program. If the Authorized Officer is also the representative named in Part 1, he or she must sign both Parts 3 and 4 of this form. The Authorized Officer is responsible for verifying the contents of the Form EOIR-31A and promptly reporting to EOIR any material changes such as those listed in 8 C.F.R. § 1292.14(a). By signing the form under penalty of perjury, the Authorized Officer affirms that the form and its attachments are true, correct, and complete.

Part 4. Declaration of Representative

The representative is responsible for verifying the contents of the completed Form EOIR-31A and its attachments. By signing the form under penalty of perjury, the representative affirms that the form and its attachments are true, correct, and complete, and that he or she meets all of the eligibility criteria for accreditation.

Part 5. Proof of Service on USCIS District Director(s)

The organization must send an exact copy of this form and its attachments to the USCIS District Director of the district where the organization is located. If the organization has extension of recognition and the designated and extension office(s) are located in more than one USCIS district, the organization must send an exact copy of the form and its attachments to each applicable USCIS District Director. The proof of service is the organization's formal guarantee that it sent the application packet to the appropriate USCIS District Director(s). EOIR's FAQs contain more information about how to identify the appropriate USCIS District Director(s) and how to properly complete the proof of service.

Where to Submit

R&A Program
Office of Legal Access Programs
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2400
Falls Church, VA 22041

Other R&A Resources

R&A Website: <https://www.justice.gov/eoir/recognition-and-accreditation-program>
R&A Rosters: <https://www.justice.gov/eoir/recognition-accreditation-roster-reports>
R&A FAQs: <https://icor.eoir.justice.gov/en/faq/>
Email: R-A-Info@usdoj.gov

Paperwork Reduction Act

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. In accordance with the Act, EOIR tries to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you. The estimated average time to review the form, gather necessary materials, and assemble the attachments is 3 hours for an initial application, and 7 hours (one hour for review and completion of this form, and 6 hours to provide the proof of training) for renewal of accreditation. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

Privacy Act Notice

The collection of this information is authorized by 8 U.S.C. §§ 1103, 1229a, 1362 and 8 C.F.R. §§ 1292.11-19 in order to request recognition of a non-profit religious, charitable, social service or similar organization and accreditation of representatives. The information you provide is voluntary and will be used by EOIR employees to assess your organization's eligibility for recognition and representative's eligibility for accreditation; however, failure to provide the requested information may preclude consideration of your request. Pursuant to the Privacy Act, EOIR may share the information provided with this form with others in accordance with approved routine uses. Furthermore, the submission of this form acknowledges that an approved applicant will be subject to the disciplinary rules and procedures at 8 C.F.R. 1003.101et seq., including, pursuant to 8 C.F.R. §§ 292.3(h)(3), 1003.108(c), publication of the approved applicant's name and findings of misconduct should the applicant be subject to public discipline.

Part 3. Declaration of Authorized Officer

Under penalty of perjury, I attest that:

- I am the Authorized Officer of _____ (organization); *see Form Instructions for who qualifies to be an Authorized Officer*
- I have examined this form, including accompanying attachments, and to the best of my knowledge and belief, it is true, correct, and complete; and
- The representative named in Part 1 meets all of the eligibility criteria listed in 8 C.F.R. § 1292.12.

Signature of Authorized Officer

Date

Printed Name and Title of Authorized Officer

Phone Number

Email Address

Part 4. Declaration of Representative

Under penalty of perjury, I attest that:

- I have examined this form regarding my qualifications for accreditation, including accompanying attachments, and to the best of my knowledge and belief, it is true, correct, and complete;
- I meet all of the criteria listed in 8 C.F.R. § 1292.12, qualifying me to represent others before DHS and/or EOIR; and
- I consent to the publication of my name and findings of misconduct should I become subject to public discipline.

Signature of Representative

Date

Printed Name of Representative

Part 5. Proof of Service on USCIS District Director(s) (attach additional sheets of paper as necessary)

I, _____, on behalf of the organization, _____, sent a copy of this Form EOIR-31A and its attachments on _____ (month/day/year)

to:
(1) USCIS District Office: _____, at: _____

(2) USCIS District Office: _____, at: _____

(3) USCIS District Office: _____, at: _____

Signature