

CHAPTER TEN

BIA RECOGNITION OF NONPROFIT AGENCY OFFICES AND ACCREDITATION OF STAFF AT THOSE OFFICES

I. ORGANIZATIONAL RECOGNITION BY THE BIA UNDER 8 CFR § 292.2(B)

A. REQUIREMENTS

The requirements for agency recognition are the following:

- The organization must be a nonprofit religious, charitable, social service or similar organization
- The organization may charge nominal fees. Note, the definition of nominal is in the process of being revised but is now defined as very low amount.
- The organization must not charge excessive membership dues to persons receiving services
- The organization must have adequate immigration knowledge, information, and resources at its disposal
- The organization must have an independent existence apart from its proposed representative, i.e., the organization must be a legitimate nonprofit, charitable organization and not merely established to provide a means through which a non-lawyer can practice law. *Matter of Baptist Educational Services Center*, Int. Dec. 3210 (BIA, 1993).

B. PREPARING THE RECOGNITION APPLICATION FOR THE AGENCY OFFICE

The application packet should include the following:

- Completed form EOIR 31, request for recognition;
- Copies of the organization's charter, articles, bylaws;
- Copies of a fee schedule;
- Statement and listing of the organization's sources of funding;
- Statement of the knowledge and experience of the organization in immigration; and
- Helpful documentation includes: proof of tax-exempt status, a list of library resources of the organization, a description of staff structure, experience and supervisory system. Staff

resumes and letters of recommendation are also advisable. Note that applications should include copies of any training agendas for training sessions which staff have attended.

File the application at the BIA with a Certificate of Service showing that a copy has been sent to the district director.

II. INDIVIDUAL STAFF ACCREDITATION TO REPRESENT UNDER 8 CFR § 292.2(D)

A. ELIGIBILITY

The following are the requirements for staff accreditation:

- Must be applied for by a recognized organization or an organization which is applying for recognition at the same time;
- Must have experience and knowledge of immigration law, including attendance at one formal training providing an overview of immigration law.
See Matter of Central California Legal Services, 26 I&N Dec. 105 (BIA 2013) (holding that CLINIC's 2-day training, "Introduction to Immigration Law Practice: A Course for New Practitioners" satisfied the BIA requirement that the applicant have completed at least one formal training course that was designed to give new practitioners a solid overview of the fundamentals of immigration law and procedure.)
- Must be of good moral character

B. TYPES OF ACCREDITATION

There are two levels of accreditation: (1) partial accreditation, where the staff member may represent people at USCIS interviews and examinations; and (2) full accreditation, where the staff member may represent people at USCIS, in Immigration Court, and before BIA.

C. PREPARING THE APPLICATION FOR INDIVIDUAL AGENCY STAFF ACCREDITATION

Assemble the following documents or take the following steps:

- Letter from agency director requesting partial or full accreditation of the staff member including statement that staff person has adequate experience and knowledge of immigration law and is of good moral character.
- Resume specifically documenting experience and knowledge in immigration law.
- Proof of participation in a formal training providing an overview of immigration law
- Letters of support are helpful.

- File the application at the BIA with a Certificate of Service showing that a copy has been sent to the local District Director.