

## SUPPORTING STATEMENT

### 1125-0012 Request for Recognition of a Non-profit Religious, Charitable, Social Service, or Similar Organization (Form EOIR-31)

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#### Part A. Justification

1. Necessity of Information - Regulations limit who may represent individuals in immigration proceedings. However, an accredited representative of a recognized organization is allowed to represent persons in immigration proceedings before the Executive Office for Immigration Review (EOIR) and the Department of Homeland Security (DHS). 8 C.F.R. ' 1292.1(a)(4). First, the Board of Immigration Appeals (Board or BIA) must recognize an organization as a legal service provider. Then, that organization=s designated representative or representatives may seek full or partial accreditation in order to represent individuals in immigration proceedings before EOIR and/or DHS.

An organization is eligible for recognition if it meets regulatory and relevant Board case law requirements, specifically if 1) it is a non-profit religious, charitable, social service or similar organization established in the United States, and 2) it successfully establishes before the Board that it requires only nominal charges with no excessive membership dues for persons seeking assistance and that it has available sufficient knowledge, information, and experience. 8 C.F.R. ' 1292.2(a). The organization applies for recognition by the Board by submitting a Form EOIR-31, formerly the Form G-27, to the Board and serving a copy of the Form EOIR-31 to the local district director of the U.S. Citizenship and Immigration Services (USCIS) of DHS

and the local Special Agent-in-Charge of the U.S. Immigration and Customs Enforcement (ICE) of DHS, who then are able to submit a recommendation for approval or disapproval to the Board, or request additional time in which to conduct an investigation of the organization or seek additional information. 8 C.F.R. ' 1292.2(b).

The Form EOIR-31 collects basic information about the organization, including a description of its funding sources, the immigration law resources and knowledge available to the organization, the resume and immigration training of its employees, and its organizational structure. This information is necessary to prevent fraud and ensure that the organization has available adequate knowledge and skill necessary to represent individuals in immigration proceedings, and that its funding is not structured around high fees or dues for individuals seeking assistance.

2. Needs and Uses - The application for recognition of an organization (Form EOIR-31) is filed and considered in the context of the adjudicatory functions of EOIR. The Board receives and processes requests for recognition of an organization seeking to represent individuals in immigration proceedings before EOIR and DHS. The application is considered by the Board, as well as USCIS and ICE, both of DHS, who are served with the application, only to the extent necessary to process the application. Careful review of the EOIR Form 31 application materials is necessary to prevent recognition of fraudulent organizations, and to ensure that only those organizations with sufficient immigration knowledge available to them and nominal fees for their services are recognized and able to present themselves to the public as authorized to represent individuals before EOIR

and DHS.

3. Use of Technology - The use of this form provides the most efficient means for collecting and processing the required data. The Form EOIR-31 is available on EOIR=s website for printing. Information can be typed into the online form which is then printed out for submission to EOIR. In addition, an applicant may print the form in its entirety to complete by typing or printing legibly. Currently, EOIR does not have the automated capability in place to accept electronic submission of forms. However, EOIR continues to explore the implementation of a number of electronic document initiatives, including electronic submission of EOIR forms.

4. Efforts to Identify Duplication - The only method for an organization to apply for recognition is to file the Form EOIR-31. A review of EOIR=s forms revealed no duplication of effort, and there is no other similar information currently available which can be used for this purpose.

5. Impact on Small Businesses - This collection has an impact on small businesses or other small entities to the extent they are the non-profit organizations applying to the Board for recognition before EOIR and DHS. However, this collection does not impose undue burden on the non-profit organizations who apply. Rather, the information collection seeks photocopies of pre-existing materials, where applicable. It also seeks summaries of information that will not take long to produce; the requested information is

pertinent to the Board's determination of the request for recognition.

6. Consequences of Less Frequent Collection - Failure to collect this information would deprive the organization from establishing its eligibility for recognition.

7. Special Circumstances Influencing Collection - None of the eight special circumstances identified in OMB instruction number 7 apply to this collection.

8. Federal Register Publication and Consultation - The 60-day and 30-day notices covering this collection were published in the Federal Register to solicit comments from the public. No public comments were received.

EOIR consulted with individuals from USCIS about the status of the recognition and accreditation process and ways to improve it, and submitted the revised Form EOIR-31 to them for their review and comment.

9. Payment or Gift to Claimants - EOIR does not provide any payment or gifts to parties in immigration proceedings or their attorneys or representatives, including recognized organizations.

10. Assurance of Confidentiality - EOIR's Recognition and Accreditation Coordinator maintains the original application. Those EOIR staff members processing the application may access the Form EOIR 31. To the extent law permits, EOIR protects the

confidentiality of the contents of the Form EOIR-31 and its attachments. EOIR would release information in accordance with the Privacy Act and the Freedom of Information Act.

11. Justification for Sensitive Questions - There are no questions of a sensitive nature.

12. Estimate of Hour Burden

a. Number of Respondents	110
b. Number of Responses per Respondent	1 each
c. Total Annual responses	110
d. Hours per response	2 hours
e. Total annual hourly reporting burden	220

110 respondents x 1 response per respondent x 2 hours per response = 220 burden hours.

It is estimated that the total time to read and complete the form and gather all materials is between 60 to 120 minutes. In order to encourage thorough responses and acknowledge the outer average response time, a full 120 minutes or 2 hours was accorded to each response.

13. Estimate of Cost Burden

There are no capital or start-up costs associated with this information collection. There are also no fees associated with filing this information collection, the Form EOIR-31.

The only costs to the respondent are the photocopying and mailing costs, which are estimated to be less than \$550, at most. This estimate is derived by multiplying the approximate photocopying and mailing costs, which should be less than \$5.00 per application, by the number of total annual responses, which is 110:

\$5.00 photocopying and mailing costs x 110 annual responses = \$550.00 total cost burden.

14. Estimated Cost to the Federal Government - The estimated annual cost for printing, distributing, stocking, processing, and maintaining the Form EOIR-31 is \$33.00 (derived by multiplying the 3 pages of the form by an estimated \$0.10 per copy by the estimated 110 applicants per year). In addition, EOIR employs a Recognition and Accreditation Coordinator, who is responsible for maintaining the Recognition and Accreditation program, among other duties.

15. Reasons for Change in Burden – There are no expected increases in the burden. The 1990-version of the form, OMB#1105-0046, indicated an average burden of one (1) hour per response. EOIR=s 2005 emergency ICR adjusted the burden per response to two (2) hours. As reflected in EOIR=s emergency ICR, the two-hour burden

applied to approximately 110 filings per year, renders a total of 220 burden hours. The 2006 ICR and this ICR maintains that number, but expects that due to the redesign of the collection instrument the burden may actually decrease.

16. Plans for Publication - The information from this collection is used internally to process the applications.

17. Expiration Date Approval - The presently approved information collection has OMB approval to not display the expiration date. EOIR is seeking continued OMB approval to not display the expiration date for this collection instrument. The display of the expiration date would require EOIR to pull and destroy current forms in its inventory (e.g., headquarters, field offices throughout the country), which otherwise could still be used by the public except for the outdated expiration date. EOIR forms are in wide distribution. Parties in proceedings before EOIR, attorneys and practitioners, organizations who assist individuals in proceedings before EOIR, and other government agencies all would be similarly required to replace forms otherwise acceptable except for the outdated expiration date. It also is costly to destroy useable forms and then reprint and restock them. Therefore, EOIR requests a waiver of the requirement to display the expiration date. EOIR now has in place a forms calendar to ensure that all forms remain active and future applications for OMB approval are planned.

18. Exceptions to the Certification Statement - EOIR does not request an exception to the

certification of this information collection.

**Section B. Collection of Information Employing Statistical Methods**

This collection does not employ statistical methods.



**PAPERWORK CERTIFICATION**

In submitting this request for Office of Management and Budget (OMB) approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with, including paperwork regulations, any applicable statistical standards or directives, and any other information policy directives promulgated under 5 C.F.R. ' 1320.

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John N. Blum

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Acting General Counsel  
Executive Office for Immigration Review

Date