

SUPPORTING STATEMENT

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

Part A. Justification

1. Necessity of Information - Regulations prescribe who may represent individuals in immigration proceedings. The Board of Immigration Appeals (Board) may accord recognition to organizations, which would then be able to seek full or partial accreditation of their representative(s) to practice before the Executive Office for Immigration Review (EOIR) and the Department of Homeland Security (DHS). *See* 8 C.F.R. §§ 1292.1(a)(4), 1292.2(d). For this to occur, the Board must first approve a request for recognition from an eligible organization. Then, the Board must approve a request from a recognized organization for accreditation of its representative(s). An individual who receives full accreditation may represent aliens before EOIR and DHS; an individual who receives partial accreditation may represent aliens before DHS only.

An organization is eligible for recognition if it meets regulatory and relevant Board case law requirements. Specifically, the organization must: be a non-profit religious, charitable, social service or similar organization established in the United States; successfully establish before the Board that it charges only nominal fees and no excessive membership dues for persons seeking assistance; and, demonstrate that it has available sufficient knowledge, information, and experience. 8 C.F.R. § 1292.2(a).

The organization applies for recognition by submitting a Form EOIR-31 to the Board, and serving a copy of the Form EOIR-31 on the local District Director of the U.S. Citizenship and Immigration Services (USCIS) of DHS and the local Chief Counsel of the U.S. Immigration and Customs Enforcement (ICE) of DHS. 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 resumes and immigration training of its employees, and its organizational structure. This information is necessary to prevent fraud and ensure that the organization has available the requisite knowledge and skill to represent individuals in immigration proceedings, and that it does not charge high fees or dues for individuals seeking assistance.

EOIR made changes to the Form EOIR-31 in order to ensure that respondents provide all of the required information for EOIR to determine whether eligibility has been established. EOIR also clarified language regarding application requirements. Finally, EOIR corrected minor errors in its prior burden accounting, minor typographical errors, updated EOIR's website address and changed the revision date from 2012 to 2013.

2. Needs and Uses - The application for recognition of an organization (Form EOIR-31) is filed with and adjudicated by EOIR. The Board receives and processes requests for recognition of an organization, which may then seek accreditation of its representatives to represent individuals in immigration proceedings before EOIR and/or DHS. The

application is considered by the Board, as well as USCIS and ICE, which are served with the application, and may respond to it. Careful review of the Form EOIR-31 application materials is necessary to prevent the recognition of fraudulent or unqualified organizations and ensure that only those organizations with sufficient immigration knowledge available to them and that charge no more than nominal fees for their services should be recognized. Only these recognized organizations may then present themselves to the public as authorized to employ accredited representatives to represent individuals before EOIR and/or 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 for completion by typing or printing legibly. Currently, EOIR does not have the automated capability in place to accept electronic submission of forms. However, EOIR is exploring 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 that 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 non-profit organizations applying to the Board for recognition before EOIR and/or DHS. However, this collection does not impose undue burden on these non-profit organizations; instead, the requested information is necessary for the Board's determination of the recognition request. The information collection seeks photocopies of pre-existing materials, where applicable, and summaries of information. EOIR estimates that it will take approximately two hours to complete the form and produce the requested documents.

6. Consequences of Less Frequent Collection - Failure to collect this information would deprive the organization of establishing 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 – A 60-day notice covering this collection will be published in the Federal Register. A 30-day notice covering this collection will be published in the Federal Register. Copies of these notices are attached. If comments are received, they will be considered and incorporated where appropriate.

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. EOIR protects the confidentiality of the contents of the Form EOIR-31, to the extent permitted by law, including 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	158
b. Number of Responses per Respondent	1 each
c. Total Annual Responses	158
d. Hours per Response	2 hours
e. Total Annual Hourly Reporting Burden	316 hours

158 respondents x 1 response per respondent x 2 hours per response = 316 burden hours.

13. Estimate of Cost Burden - There are no capital or start-up costs associated with this information collection. The estimated public cost is zero.

For informational purposes only, there may be additional costs to respondents.

Respondents may incur a cost if they hire a private practitioner to assist them with completing the Form EOIR-31. The Bureau of Labor Statistics reports that the median

hourly wage for lawyers is \$54.48. For those respondents who proceed without a practitioner, there is an estimated cost of \$10 per hour for completing the form (the individuals' time and supplies) in lieu of the practitioner cost. There are also no fees associated with filing the Form EOIR-31.

14. Estimated Cost to the Federal Government – It is estimated that the annual government cost for printing, distributing, stocking, processing and maintaining the Form EOIR-31 is \$2,365.

15. Reasons for Change in Burden – The difference in hour burden from the previous Information Collection Request is due to an agency adjustment, specifically an increase in the number of respondents and human error in prior accounting. Previously, 105 respondents annually were reported. A review of the agency records revealed that the previous number of respondents annually was actually 121, and at present there are 158 respondents annually. As the number of hours per response remained the same (2 hours), the total burden increased from 210 to 316.

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

17. Exceptions to the Certification Statement - EOIR does not request an exception to the certification of this information collection.

Part 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.

Jeff Rosenblum
General Counsel
Executive Office for Immigration Review

Date