

SUPPORTING STATEMENT

Request by Organization for Accreditation of Non-Attorney Representative (Form EOIR-31A)

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 are then 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 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. It also ensures

that the organization has available the requisite knowledge and skill to represent individuals in immigration proceedings and does not charge high fees or dues for individuals seeking assistance.

Currently, there is no EOIR form for accreditation requests. Rather, organizations make such requests on organizational letterhead, supported by documentary evidence establishing that each proposed representative is of good moral character and meets the requirements of 8 C.F.R. § 1292.2(d). EOIR has created the voluntary Form EOIR-31A to elicit, in a uniform manner, all of the required information for EOIR to determine whether a proposed representative meets the eligibility requirements for accreditation. Form EOIR-31A provides detailed instructions regarding the application process for accreditation, including the documentation necessary to establish eligibility, the appropriate organization official to verify the contents of the application, and the location where copies of the application and documentation should be submitted. The form also provides a link to EOIR's website for further information about how to apply for accreditation.

2. Needs and Uses - The application form for request by organization for accreditation of non-attorney representative (Form EOIR-31A) is optional and voluntary. If an organization elects to request accreditation of a representative using the Form EOIR-31A, the form will be filed with and adjudicated by EOIR. Specifically, the Board receives and processes requests for accreditation of representatives of recognized organizations to represent individuals in immigration proceedings before EOIR and/or DHS. The request

is considered by the Board, as well as USCIS and ICE, which are served with the request, and may respond to it. Careful review of the application materials is necessary to prevent the accreditation of fraudulent or unqualified representatives and ensure that only individuals with sufficient immigration knowledge will be accredited to represent individuals before EOIR and/or DHS.

3. Use of Technology - The voluntary use of this form will provide the most efficient means for collecting and processing the required data. The Form EOIR-31A will be available on EOIR's website for printing. Information can be typed into the online form, which is then printed for submission to EOIR. In addition, the form may be printed in its entirety and completed by typing or printing legibly. Currently, EOIR only has limited automated capabilities in place to accept the electronic submission of certain forms. However, EOIR is exploring a number of electronic document initiatives, including electronic submission of additional EOIR forms.

4. Efforts to Identify Duplication - Currently, there is no EOIR form for accreditation requests. The only method for an organization to apply for accreditation is to make such a request on organizational letterhead, supported by the necessary documentary evidence. 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 does not have an impact on small businesses or other small entities because the form is optional and voluntary, and may be

used at the discretion of the non-profit organizations applying to the Board for accreditation of their representatives before EOIR and/or DHS. When used, this collection does not impose undue burden on these non-profit organizations, as the requested information is necessary for the Board's determination of the accreditation 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 accreditation if not otherwise provided on organizational letterhead.

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 have been published in the Federal Register. A 30-day notice covering this collection have been 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 and their accredited representatives.

10. Assurance of Confidentiality - EOIR's Recognition and Accreditation Coordinator will maintain the original application. Those EOIR staff members processing the application may access the Form EOIR-31A. EOIR protects the confidentiality of the contents of the Form EOIR-31A, 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	544
b. Number of Responses per Respondent	1 each
c. Total Annual Responses	544
d. Hours per Response	2 hours
e. Total Annual Hourly Reporting Burden	1,088 hours

544 respondents x 1 response per respondent x 2 hours per response = 1,088 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 should they elect to use this optional form. Respondents may incur a cost if they hire a private practitioner to assist them with completing the Form EOIR-31A. 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-31A.

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-31A will be \$5,601.09.

15. Plans for Publication - The information from this collection will be used internally to process the applications for accreditation.

16. 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.

Helaine Perlman
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Office of the General Counsel
Executive Office for Immigration Review

Date