

## GENERAL INSTRUCTIONS

**Please read carefully before completing and filing optional Form EOIR-56.**

### **A. When to submit an optional Form EOIR-56:**

Organizations, pro bono referral services, and attorneys may use this form (optional Form EOIR-56) to apply for placement on the List of Pro Bono Legal Service Providers (List) for individuals in immigration court proceedings and to make a renewal request to remain on the List. The List provides names of organizations, referral services, and attorneys available to provide pro bono legal services to indigent persons in immigration court proceedings before the Executive Office for Immigration Review (EOIR). The List is published quarterly, in January, April, July, and October. To be considered, applicants should submit the application not later than 60 days prior to the first day of the month in which the next quarterly update will be published. Applications received less than 60 days prior to that date will not be considered until the following quarter.

### **B. Who is eligible to be included on the List:**

Organizations, pro bono referral services, and attorneys may apply to be placed on the List. Organizations and attorneys must commit to providing annually at least 50 hours of pro bono legal services to individuals in proceedings at each immigration court location where the organization or attorney intends to appear on the List. "Pro bono legal services" are those uncompensated legal services performed for indigent individuals or for the public good without any expectation of remuneration, whether direct or indirect.

- An "organization" must be a non-profit religious, charitable, social service or similar group established in the United States. Organizations include both organizations recognized by EOIR under 8 CFR part 1292 and non-recognized organizations. A recognized organization must have at least one attorney or an accredited representative eligible to practice before the immigration courts. Non-recognized organizations must have an attorney on staff.
- A "pro bono referral service" is a service, offered by a non-profit group, association, or similar organization established in the United States that assists persons in locating pro bono representation by making case referrals to attorneys or organizations that are available to provide pro bono representation in immigration court proceedings. A service that refers individuals for paid legal services does not qualify.
- An "attorney" in private practice in the United States may be eligible to be included on the List only if the attorney cannot provide pro bono legal services through or in association with an organization or pro bono referral service.

### **C. How to apply for placement on the List using the optional Form EOIR-56:**

#### **• Part 1. Organization, referral service, or attorney seeking inclusion on the List**

Check the appropriate box to specify whether the applicant is an organization, pro bono referral service, or attorney. Provide the applicant's complete name, including any names under which it is doing business. If the applicant has previously applied to be on the List, provide the name(s) used in the past by the applicant.

#### **• Part 2. Contact information**

Provide applicant contact information. The applicant must provide a street address. A post office box number is not acceptable. Include applicant's telephone number, fax number (if available), email address, and web address (if available). The contact information provided on this application will appear on the List for each immigration court listed. If the applicant has more than one address and telephone number, clearly identify the address and telephone numbers which should appear on the List for each immigration court. Attach additional sheets of paper (including the applicant's name and the section of the form) if necessary. If the contact information changes, the applicant must, as soon as possible, but in no more than 10 business days, advise the EOIR Pro Bono List Administrator in writing at ProBono.List.Admin@usdoj.gov or at the address provided in Part E of these instructions.

## GENERAL INSTRUCTIONS (continued)

### C. How to apply for placement on the List using the optional Form EOIR-56 (continued):

- **Part 3. Type of application**

Check the appropriate box to show whether this application is for an initial request to be included on the List or a renewal request to remain on the List. Once approved to be on the List of Pro Bono Legal Service Providers, providers must submit a renewal request every three years. To guarantee that the renewal application will be processed before the expiration of the three -year period, the renewal application must be submitted at least 60 days prior to expiration of the three -year period and certify that the provider remains eligible to appear on the List. For example, an approved applicant who is placed on the List in January 2018 would be required to file an application for renewal not later than November 2, 2020 (60 days prior to the expiration of the three-year approval period and issuance of the January 2021 quarterly List).

- **Part 4. Immigration court locations and additional applicant information**

List the names of each immigration court in which the applicant intends to provide at least 50 hours each year of pro bono legal services or refer cases to representatives providing pro bono legal services. Specify the name of *each court*, such as “Varick Street,” “Miami,” or “Miami (Krome), Detained.” Please use the EOIR Listing of Immigration Courts as a guide to immigration court names and locations, available at the following webpage: <http://www.justice.gov/eoir/eoir-immigration-court-listing>.

For each court, list any specialties, limitations, or comments that should be noted on the List. For example, an applicant may limit its pro bono practice to children’s cases or asylum cases only, may be willing to assist individuals with criminal convictions, may be willing to accept collect calls from a detention center, or may be able to provide services in multiple languages. If needed, attach additional sheets of paper (include the applicant’s name and the section of the form) to complete this section.

- **Part 5. Affirmation of provision of pro bono legal services**

Organizations must affirm that they intend to provide annually at least 50 hours of pro bono legal services in each immigration court location listed in Part 4. An organization may count its attorneys’ and representatives’ in-court time, as well as their out-of-court preparation time. When an organization refers a case for pro bono legal services outside the organization, it may count its attorneys’ and fully accredited representatives’ time spent, for example, conducting an intake interview or mentoring the attorney to whom the case was referred. Those attorneys and representatives appearing in immigration court must be registered with EOIR. For information about EOIR’s e-Registry system, see <http://www.justice.gov/eoir/internet-immigration-info>.

Pro bono referral services must affirm that they intend to offer their services to individuals in removal or other proceedings before each immigration court location identified in Part 4.

Private attorneys must affirm they intend to provide annually at least 50 hours of pro bono legal services in each immigration court location listed in Part 4. Under penalty of perjury, counsel must declare that he or she is unable to provide pro bono legal services through or in association with an organization or pro bono referral service because such an organization is unavailable or the ranges of services provided is insufficient to address the needs of the community. In addition, counsel must attach a statement, under penalty of perjury, describing the good faith efforts made to associate with organizations and pro bono referral services, and other relevant documentation demonstrating those efforts.

- **Part 6. Affirmation of provision annually of 50 hours of pro bono legal services for the past 3 years by organizations and attorneys**

This section is for renewal applicants only. If this is an initial application or a renewal application by a pro bono referral service provider, skip to Part 7.

To renew an organization’s or attorney’s inclusion on the List, the organization or attorney must submit the alien registration numbers of clients in whose cases the organization or attorney rendered pro bono legal services, totaling, for each immigration court location where the provider appears on the List, at least 50 hours in each of the past three years.

For each case listed, the provider must include: the number of hours of pro bono legal services provided; the time period for which the pro bono legal services were provided; and the name of the attorney or representative who rendered the pro bono legal services or to whom the case was referred for pro bono legal services. When an organization refers a case to an outside attorney or representative for pro bono legal services, the organization

may count the time its attorneys or representatives spent providing pro bono legal services, but not the time of the attorney or representative to whom the case was referred.

Hours spent preparing a case for immigration court, including, for example, screening cases for pro bono referral or mentoring representatives, may be counted as well as time spent in court. Only 50 hours of pro bono legal services need to be reported for each year for each court location; there is no obligation to report additional hours of pro bono legal services performed in excess of the 50 annual hours required to qualify for renewal.

Tally the total hours of pro bono legal services for each of the past three years in each immigration court location where pro bono legal services were provided. No more than 50 hours total of pro bono legal service hours must be recorded for each year. If needed, attach additional sheets of paper (include the applicant's name and section of the form) to complete this section.

#### **D. Who must verify the contents of the optional Form EOIR-56:**

- **Part 7. Declaration**

##### **Part 7. Section A. Authorized officer**

The applicant organization or referral service must have an authorized officer, such as the President, Executive Director, or an officer of the organization, who has been designated to act on behalf of the organization to apply to be on the List. By signing the form under penalty of perjury the authorized officer declares that the organization or referral service meets the eligibility requirements to be included on the List and that the contents of the form and its attachments are true, correct, and complete.

##### **Part 7. Section B. Attorney**

An attorney must attest that he or she is licensed to practice law in the United States, has registered with EOIR (provide the registration number), and that he or she is not under an order of suspension, disbarment, or other restriction in the practice of law. By signing the form under penalty of perjury, the attorney declares that he or she meets the eligibility requirements to be included on the List and that the contents of the form and its attachments are true, correct, and complete.

#### **E. Where to submit the optional Form EOIR-56:**

Pro Bono List Administrator  
Office of Legal Access Programs (OLAP)  
Executive Office for Immigration Review  
5107 Leesburg Pike, Suite 2500  
Falls Church, VA 22041