

Collection changes in new R&A Forms

EOIR-31

INSTRUCTIONS

The new *Purpose of the Form* section provides some basic background on the R&A Program that was not there before, but provides the same general instructions.

The old *Renewal of Recognition* section identified the renewal due dates for different organizations depending on their status as of January 18, 2017. Because we expect the new forms will not be available until after January 18, 2020, there is no need to keep the renewal due dates.

The new *Extension of Recognition* section differentiates between Extended Recognition and Separate Recognition, which has been a confusing issue for organizations since the transition in 2017.

We moved the section with OLAP's address to the end of the application instructions.

Part 1.

The new instructions to Part 1 explain that the organization name must be a legal name on file with the appropriate Secretary of State and the organization has a duty to report to OLAP any material changes, such as the organization's name and address. The new form provides boxes the organization can check if it is reporting a name or address change.

The new form has a section for the organization to include its mailing address if it is different from the physical address where the organization provides immigration legal services. OLAP has found that this is necessary where the organization has several offices and/or a P.O. Box address. The new form no longer has a line for the organization's Suite or Fax.

Part 2.

New Part 2 indicates which parts of the form the organization must complete depending on the type(s) of recognition requested.

The new form asks whether the Authorized Officer previously applied for recognition of another organization.

The new form asks for the recognition expiration date of an organization seeking renewal, and no longer asks for the date of last approval or renewal of recognition.

The new form no longer asks for the approval date of current recognition of an organization seeking extension of recognition.

Part 3.

We incorporated old Part 3 into new Part 2.

New Part 3 asks Yes/No questions regarding the basic requirements of a Recognized Organization following the language of 8 C.F.R. § 1292.11. The instructions briefly explain each requirement and inform the organization about which supporting documentation to submit. A new question specifically asks the organization if it is a religious, charitable, social service, or similar organization. All the other questions in new Part 3 were addressed in different parts of the old form.

The new form does not collect alternate section of Internal Revenue Code under which organization is tax-exempt and has removed boxes indicating the following attachments have been attached to package:

- IRS tax determination letter and first page of last annual IRS information return
- Alternative documentation to establish federal tax-exempt status
- Supporting documentation of federal tax-exempt status applied for and determination is pending

Part 4.

We moved old Part 4 (Extension of Recognition) to new Part 7.

New Part 4 consolidates questions that we asked in different parts in the old form regarding the organization's immigration law practice. The main differences in information collected include:

The old form had separate lines for print resources and electronic resources to which the organization has access, while the new form asks the organization to list "legal resources" on a separate document

The old form asked for the resume(s) of any attorney(s) licensed in the U.S. and in good standing on staff, while the new form asks for a description of qualifications, experience, and breadth of immigration knowledge. We want to make sure the attorney provides what his/her immigration background is so that we can determine if this attorney would be a competent resource for immigration law questions.

The old form asked for the name(s) of private counsel and bar admission(s) for individuals with whom the organization had a technical support agreement, while the new form asks for a "description of the other party's qualifications, experience, and breadth of immigration knowledge" for private counsel,

Recognized Organizations, or other qualified sources with whom the organization has a technical support agreement. OLAP feels it necessary to obtain detailed background information on the individual(s) who will be providing technical support to the organization.

Part 5.

We incorporated old Part 5 into new Part 3.

New Part 5 addresses renewal of recognition and explains what the requirements are. The new form explains that, if an organization's tax-exempt status is based on a larger entity's group ruling, the organization must provide evidence of its current tax-exempt status.

Part 6.

We incorporated old Part 6 into Part 3, and made a yes/no question instead of a statement.

New Part 6 addresses the organization's Accredited Representatives. The new form asks for the names of current Accredited Representatives if the organization is renewing its recognition. The old form only asked if there were Accredited Representatives on staff in a yes/no format.

Part 7.

We incorporated old Part 7 into several parts of the new form. As noted above, the new form no longer collects the bar admission information for private counsel with whom the organization has a technical support agreement.

New Part 7 addresses extension of recognition, prompting organization to provide a physical and mailing address of extension office (if different), while old Part 4 only allowed for one address. No longer collecting fax number. Collecting website for extension office, which OLAP uses to conduct research on organization and confirm organization's immigration staff and services.

To determine whether satellite office meets requirements for extension of recognition under 8 CFR 1292.15, OLAP will collect documentation demonstrating:

- Frequency with which principal organization conducts inspections of proposed extension office(s)
- Joint operations between principal organization and proposed extension office(s)
- Joint management structure
- Joint funding sources and financial oversight

Part 8.

We incorporated old Part 8 into Parts 4 and 7 in the new form, and we no longer collect “other resources” to which extension offices have access.

New Part 8 is a reformatted version of the Declaration of Authorized Officer. The instructions explain who qualifies to be an Authorized Officer.

Part 9.

We incorporated old Part 9 into Parts 3-5 in the new form. We no longer collect whether the organization charges membership dues because this is not a requirement under the regulations.

New Part 9 is Proof of Service on DHS. The new form provides a line for the organization to enter the name of the USCIS District Office. To keep the new form on three pages instead of four, it only allows one line for the USCIS address but instructs organizations to attach additional sheets of paper as necessary.

Part 10.

We incorporated old Part 10 into new Part 5. The new form no longer asks if the organization does not currently have Accredited Representatives on staff or is on inactive status. The new form also removed the additional box in Old Part 10 for organizations seeking renewal or extension of recognition.

Part 11.

Old Part 11 (Declaration of the Authorized Officer) is incorporated in new Part 8.

Part 12.

Old Part 12 (Proof of Service on USCIS) is incorporated in new Part 9.