

Code of Federal Regulations
Title 8. Aliens and Nationality
Chapter V. Executive Office for Immigration Review, Department of Justice (Refs & Annos)
Subchapter B. Immigration Regulations (Refs & Annos)
Part 1292. Representation and Appearances (Refs & Annos)
Recognition of Organizations and Accreditation of Non–Attorney Representatives (Refs & Annos)

8 C.F.R. § 1292.16

§ 1292.16 Renewal of recognition and accreditation.

Effective: August 26, 2019
Currentness

(a) In general. To retain its recognition and the accreditation of its representatives after the conclusion of the validity period specified in § 1292.11(f) or § 1292.12(d), an organization must submit a request for renewal of its recognition or the accreditation of its representatives (Form EOIR–31, Form EOIR–31A, and supporting documents). In the exercise of discretion, as provided in paragraph (i) of this section, the Assistant Director for Policy (or the Assistant Director for Policy's delegate) may approve an organization's request for renewal of recognition without a currently approved accredited representative.

(b) Timing of renewal—

(1) Recognition. An organization requesting renewal of recognition must submit the request on or before the sixth anniversary date of the organization's last approval or renewal of recognition or, for a conditionally recognized organization, on or before the second anniversary of the approval date of the conditional recognition. Any request must include proof of service of a copy of the request on the appropriate USCIS office(s) in the jurisdictions where the organization offers or intends to offer immigration legal services.

(2) Accreditation. An organization requesting renewal of accreditation of its representative must submit the request on or before the third anniversary date of the representative's last approval or renewal of accreditation, with proof of service of a copy of the request on the appropriate USCIS office(s) in the jurisdictions where the organization offers or intends to offer immigration legal services.

(3) The Assistant Director for Policy (or the Assistant Director for Policy's delegate), in the Assistant Director for Policy's (or the Assistant Director for Policy's delegate's) discretion, may grant additional time to submit a request for renewal or accept a request for renewal filed out of time. The recognition of the organization and the accreditation of any representatives for whom the organization timely requests renewal shall remain valid pending the Assistant Director for Policy's (or the Assistant Director for Policy's delegate's) consideration of the renewal requests, except in the case of an interim suspension pursuant to 8 CFR 1003.111.

(c) Renewal requirements—

(1) Recognition. The request for renewal of recognition must establish that the organization remains eligible for recognition under § 1292.11(a), include the records specified in § 1292.14(b) regarding fee schedules and the summary of immigration legal services provided that the organization compiled since the last approval of recognition, and describe any unreported changes that impact eligibility for recognition from the date of the last approval of recognition.

(2) Accreditation. Each request for renewal of accreditation must establish that the individual remains eligible for accreditation under § 1292.12(a) and has continued to receive formal training in immigration law and procedure commensurate with the services the organization provides and the duration of the representative's accreditation.

(d) Recommendations and investigations. Each USCIS office served with a request for renewal of recognition or a request for renewal of accreditation may submit to the Assistant Director for Policy (or the Assistant Director for Policy's delegate) a recommendation for approval or disapproval of that request pursuant to § 1292.13(b). The Assistant Director for Policy (or the Assistant Director for Policy's delegate) may request a recommendation from ICE or an investigation from the EOIR disciplinary counsel or anti-fraud officer, pursuant to § 1292.13(c) and (d).

(e) Renewal process. The Assistant Director for Policy (or the Assistant Director for Policy's delegate) shall review all information contained in the requests and may review any publicly available information or any other information that the Office of Policy may possess about the organization, its authorized officer, or any individual for whom the organization seeks accreditation or renewal of accreditation or that the Office of Policy may have received pursuant to § 1292.13(b) through (d). Unfavorable information obtained by the Assistant Director for Policy (or the Assistant Director for Policy's delegate) that may be relied upon to disapprove a recognition or accreditation request, if not previously served on the organization, shall be disclosed to the organization, and the organization shall be given a reasonable opportunity to respond. Prior to determining whether to approve or disapprove a request for renewal of recognition or accreditation, the Assistant Director for Policy (or the Assistant Director for Policy's delegate) may request additional information from the organization pertaining to the eligibility requirements for recognition or accreditation. The Assistant Director for Policy (or the Assistant Director for Policy's delegate), in writing, shall inform the organization and the appropriate DHS office(s) in the jurisdictions where the organization offers or intends to offer immigration legal services of the determination to approve or disapprove a request for renewal of recognition. If the Assistant Director for Policy (or the Assistant Director for Policy's delegate) renews recognition, the Assistant Director for Policy (or the Assistant Director for Policy's delegate) shall issue a written determination approving or disapproving each request for accreditation or renewal of accreditation. The Assistant Director for Policy (or the Assistant Director for Policy's delegate) is authorized to allow requests, notifications, recommendations, and determinations described in this section to be made electronically.

(f) Finality of decision. The Assistant Director for Policy's (or the Assistant Director for Policy's delegate's) determination to approve a request to renew recognition or accreditation is final. An organization whose request for renewal of recognition or accreditation of its representatives has been disapproved may make one request for reconsideration of the disapproval within 30 days of the determination. The recognition of the organization and the accreditation of any representatives for whom the organization timely requests reconsideration shall remain valid pending the Assistant Director for Policy's (or the Assistant Director for Policy's delegate's) consideration of the reconsideration request, except in the case of an interim suspension pursuant to 8 CFR 1003.111. An organization whose recognition or accreditation of its representatives is terminated because the organization's request to renew recognition or accreditation is disapproved or whose request for reconsideration after disapproval and, if applicable, request for administrative review pursuant to § 1292.18 was denied, may submit a new request for recognition and accreditation at any time unless otherwise prohibited.

(g) Validity period of recognition and accreditation after renewal. After renewal of recognition, the recognition of the organization is valid for a period of six years from the date of the Assistant Director for Policy's (or the Assistant Director for Policy's delegate's) determination to renew recognition, unless the organization's recognition is terminated pursuant to § 1292.17 or the organization is subject to disciplinary sanctions (i.e., termination or revocation) under 8 CFR 1003.101 et seq. After renewal of accreditation, the accreditation of a representative is valid for a period of three years from the date of the Assistant Director for Policy's (or the Assistant Director for Policy's delegate's) determination to renew accreditation, unless the organization's recognition or the representative's accreditation is terminated pursuant to § 1292.17 or the organization or the representative is subject to disciplinary sanctions (termination, revocation, suspension, or disbarment) under 8 CFR 1003.101 et seq.

(h) Organizations and representatives recognized and accredited prior to January 18, 2017—

(1) Applicability. An organization or representative that received recognition or accreditation prior to January 18, 2017, through the Board under former § 1292.2 is subject to the provisions of this part. Such an organization or representative shall continue to be recognized or accredited until the organization is required to request renewal of its recognition and accreditation of its representatives as required by paragraphs (h)(2) and (3) of this section and pending the Assistant Director for Policy's (or the Assistant Director for Policy's delegate's) determination on the organization's request for renewal if such a request is timely made, unless the organization's recognition or the representative's accreditation is terminated pursuant to § 1292.17 or the organization or the representative is subject to disciplinary sanctions (termination, revocation, suspension, or disbarment) under 8 CFR 1003.101 et seq.

(2) Renewal of recognition. To retain its recognition, an organization that received recognition prior to January 18, 2017, must request renewal of its recognition pursuant to this section on or before the following dates:

(i) Within 1 year of January 18, 2017, if the organization does not have an accredited representative on the effective date of this regulation;

(ii) Within 2 years of January 18, 2017, if the organization is not required to submit a request for renewal at an earlier date under paragraph (h)(2)(i) of this section, and the organization has been recognized for more than 10 years as of the effective date of this regulation; or

(iii) Within 3 years of January 18, 2017, if the organization is not required to submit a request for renewal at an earlier date under paragraph (h)(2)(i) or (ii) of this section.

(3) Renewal of accreditation. To retain the accreditation of its representatives who were accredited prior to January 18, 2017, an organization must request renewal of accreditation of its representatives on or before the date that the representative's accreditation would have expired under the prior rule.

(i) Inactive status. An organization shall be placed on inactive status if it has no currently approved accredited representative, and it promptly notified the Office of Policy that it no longer has an accredited representative, as required by § 1292.14(a). An organization on inactive status is precluded from providing immigration legal services unless it has an attorney on staff. An organization shall be on inactive status for two years from the date the organization is placed on inactive status in order for the organization to apply for and have approved the accreditation of one or more representatives. If an organization on inactive

status is subject to renewal while on inactive status, the organization must request renewal of recognition at the time required for renewal. The Assistant Director for Policy (or the Assistant Director for Policy's delegate), in the Assistant Director for Policy's (or the Assistant Director for Policy's delegate's) discretion, may approve a request to renew an organization's recognition without a currently approved accredited representative, provided that the organization satisfies the renewal requirements under § 1292.16(c)(1) and attests that it intends to apply for and have approved the accreditation of one or more representatives within two years from the date of renewal. An organization renewed under such circumstances shall be on inactive status for two years from the date of renewal in order for the organization to apply for and have approved the accreditation of one or more representatives. The Assistant Director for Policy (or the Assistant Director for Policy's delegate), in the Assistant Director for Policy's (or the Assistant Director for Policy's delegate's) discretion, may grant an organization additional time on inactive status beyond the time limits provided in this paragraph.

Credits

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