

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. § 1292.13

§ 1292.13 Applying for recognition of organizations or accreditation of representatives.

Effective: August 26, 2019

Currentness

(a) In general. An organization applying for recognition or accreditation of a representative must submit a request for recognition (Form EOIR–31) or a request for accreditation (Form EOIR–31A) to the Assistant Director for Policy (or the Assistant Director for Policy's delegate) 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. An organization must submit a separate request for accreditation (Form EOIR–31A) for each individual for whom it seeks accreditation. To determine whether an organization has established eligibility for recognition or accreditation of a representative, the Assistant Director for Policy (or the Assistant Director for Policy's delegate) shall review all information contained in the request for recognition or accreditation and may review any publicly available information or any other information that the Office of Policy may obtain or possess about the organization, its authorized officer, or the proposed representative or may have received pursuant to paragraphs (b), (c), and (d) of this section. 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 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 each USCIS office in the jurisdictions where the organization offers or intends to offer immigration legal services of the determination approving or disapproving the organization's request for recognition or accreditation of a representative. The Assistant Director for Policy (or the Assistant Director for Policy's delegate) may, in the exercise of discretion, extend the deadlines provided in this section. 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.

(b) USCIS recommendation and investigation. Within 30 days from the date of service of the request for recognition or accreditation, the USCIS office served with the request may submit to the Assistant Director for Policy (or the Assistant Director for Policy's delegate) a recommendation for approval or disapproval of the request for recognition or accreditation, including an explanation for the recommendation, or may request from the Assistant Director for Policy (or the Assistant Director for Policy's delegate) a specified period of additional time, generally no more than 30 days, in which to conduct an investigation or otherwise obtain relevant information regarding the organization, its authorized officer, or any individual for whom the organization seeks accreditation. The Assistant Director for Policy (or the Assistant Director for Policy's delegate) shall inform the organization if the Assistant Director for Policy (or the Assistant Director for Policy's delegate) grants a request from USCIS for additional time to conduct an investigation, or if, in the exercise of discretion, the Assistant Director for Policy (or the Assistant Director for Policy's delegate) has requested that USCIS conduct an investigation of the organization, its authorized officer, or any individual for whom the organization seeks accreditation. USCIS must submit any recommendation with proof

of service of a copy of the recommendation on the organization. Within 30 days of service of an unfavorable recommendation, the organization may file with the Assistant Director for Policy (or the Assistant Director for Policy's delegate) a response to the unfavorable recommendation, along with proof of service of a copy of such response on the USCIS office that provided the recommendation.

(c) ICE recommendation. Upon receipt of a request for recognition or accreditation, the Assistant Director for Policy (or the Assistant Director for Policy's delegate) may request a recommendation or information from ICE in the jurisdictions where the organization offers or intends to offer immigration legal services regarding the organization, its authorized officer, or any individual for whom the organization seeks accreditation. Within 30 days from the date of receipt of the Assistant Director for Policy's (or the Assistant Director for Policy's delegate's) request, ICE may make a recommendation or disclose information regarding the organization, its authorized officer, or individuals for whom the organization seeks accreditation. ICE must submit any recommendation with proof of service of a copy of the recommendation on the organization. Within 30 days of service of an unfavorable recommendation, the organization may file with the Assistant Director for Policy (or the Assistant Director for Policy's delegate) a response to the unfavorable recommendation, along with proof of service of a copy of such response on the ICE office that provided the recommendation. The Assistant Director for Policy (or the Assistant Director for Policy's delegate), in writing, shall inform ICE of the determination approving or disapproving the organization's request for recognition or accreditation of a representative.

(d) EOIR investigation. Upon receipt of a request for recognition or accreditation, the Assistant Director for Policy (or the Assistant Director for Policy's delegate) may request that the EOIR disciplinary counsel or anti-fraud officer conduct an investigation into the organization, its authorized officer, or any individual for whom the organization seeks accreditation. Within 30 days from the date of receipt of the Assistant Director for Policy's (or the Assistant Director for Policy's delegate's) request, the EOIR disciplinary counsel or anti-fraud officer may disclose to the Assistant Director for Policy (or the Assistant Director for Policy's delegate) information, including complaints, preliminary inquiries, warning letters, and admonitions, relating to the organization, its authorized officer, or any individual for whom the organization seeks accreditation.

(e) Finality of decision. The Assistant Director for Policy's (or the Assistant Director for Policy's delegate's) determination to approve a request for recognition or accreditation is final. An organization whose request for recognition or accreditation was disapproved may make one request for reconsideration of the disapproval within 30 days of the determination. An organization whose request for recognition or accreditation was 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 or accreditation at any time unless otherwise prohibited.

Credits

[84 FR 44542, Aug. 26, 2019]

AUTHORITY: 8 U.S.C. 1103, 1362.

Current through October 24, 2019; 84 FR 57238.