

Your NAME and ADDRESS

Mr.
Mrs.
Ms. First (Middle Initial) Last Alien Number of Case Related to Complaint

Number and Street Apt. No. City State Zip Code

Telephone Number: Home: (____) _____ Work: (____) _____

Name of ATTORNEY, REPRESENTATIVE, or ORGANIZATION against whom you wish to file a complaint

Attorney First (Middle Initial) Last

Representative First (Middle Initial) Last

Organization Name of Organization

Number and Street Suite Number City State Zip Code

Office Telephone Number: (____) _____ Email address (if any): _____ @ _____

Have you or a member of your family complained about this matter to anyone else (such as a state bar or consumer protection agency)?
Yes No If yes, please provide details, including to whom the complaint was made (including name and address of the entity), its approximate date, and any disposition. (Use additional paper if necessary.)

Did you hire the attorney or representative/organization? Yes No If yes, give the approximate date of employment and the amount paid, if any. If no, what is your connection with the attorney, representative, or organization? (Use additional paper if necessary.) Attach a copy of your retainer agreement or contract if you have one.

Explain the circumstances and details of your complaint on additional sheets of paper. Include a statement of what the attorney or representative/organization did or did not do, and a narrative of the facts as you understand them. Do not include opinions or arguments. If you employed the attorney or representative/organization, state what work was supposed to be performed for you. Sign and date each separate piece of paper and attach copies of any pertinent or supporting documents.

I, the undersigned, hereby certify that the statements in this complaint are true and correct to the best of my knowledge. I waive the attorney-client privilege and any other confidentiality protections under the Freedom of Information Act/Privacy Act necessary to conduct an inquiry including, but not limited to, making referrals and disclosures to state attorney discipline authorities and any other law enforcement authorities for the purpose of investigating, examining, and/or taking disciplinary action against the attorney, representative, or organization as necessary. I hereby permit the Executive Office for Immigration Review to release any and all records in its system of records for the purpose of conducting such an inquiry.

Mail Complaint to: Office of the General Counsel
Attn: Disciplinary Counsel
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041

Signature _____

Date _____

Instructions for Filing a Complaint
Against an Attorney, Representative, or Recognized Organization

Every immigration practitioner (private attorney, accredited representative, law student, and others) authorized to practice before the Board of Immigration Appeals (Board), Immigration Courts, and the Department of Homeland Security is obligated to observe high standards of ethical conduct and professional behavior. Every immigration practitioner and every EOIR recognized organization is subject to the Rules of Professional Conduct for Practitioners (Rules) set forth at 8 C.F.R. §§1003.101-1003.111. These rules govern an immigration practitioner's and recognized organization's actions. The following are examples of behavior that may provide grounds for an investigation:

- charging grossly excessive fees
- engaging in conduct lacking competence or diligence
- knowingly or recklessly making a false statement of material fact or otherwise misleading and/or misinforming any person, including knowingly or recklessly offering evidence known to be false
- making false or misleading communications about qualifications or services
- providing ineffective assistance of counsel as found by the Board of Immigration Appeals or an Immigration Judge
- repeatedly failing to appear for scheduled hearings in a timely manner without good cause
- failing to maintain communication with a client
- failing to abide by a client's decision in a case
- failing to adequately supervise an accredited representative
- employing, receiving services from, or affiliating with an individual who performs an activity that constitutes the unauthorized practice of law or immigration fraud

Some conduct on the part of practitioners and organizations falls outside the parameters of the Rules. The Executive Office for Immigration Review (EOIR) Disciplinary Counsel (DC) is unable to investigate those activities falling outside the Rules and cannot:

- give you legal advice or otherwise represent you, or recommend a particular attorney, firm, or organization
- compel an attorney or representative to act for you, or tell your attorney or representative how to proceed with your case or to refund your fee
- investigate complaints about Department of Homeland Security attorneys

Confidentiality Generally, information about complaints or preliminary inquiries is confidential. However, by signing this complaint form, you waive the attorney-client privilege and any other confidentiality and/or privacy protections with respect to the practitioner's or organization's handling of an immigration case to the extent necessary for DC to conduct an inquiry. By signing this complaint form, you also agree to allow DC to make referrals to state bar and law enforcement authorities where it appears the practitioner or organization has engaged in ethical and/ or criminal misconduct and to make any disclosure to such law enforcement authorities of any and all records maintained in an EOIR system of records that are otherwise subject to confidentiality protections under the Freedom of Information Act/Privacy Act.

How to File a Complaint Your complaint should be filed in writing by (1) completing this complaint form and/or (2) writing your own statement. If you write your own statement, you should include your name and address, the practitioner or organization's name and address, an explanation of the circumstances and specific details of your complaint, and your signature. Supporting documents and information, such as correspondence between you and the practitioner or organization, documents concerning the immigration case involved (including the case name and number), and copies of filings in connection with the case should accompany the completed complaint form or signed statement, as these documents will assist us in our investigation. The complaint form and/or your statement should be mailed to the address listed on the form.

Processing of Your Complaint When your complaint is received; it will be reviewed by DC to determine whether, based upon the merits, the complaint warrants further investigation. Does the complaint allege conduct on the part of a practitioner or organization which, if true, would violate the Rules? If the answer to this question is “no,” then no further action will be taken. If the answer to this question is “yes,” then a preliminary inquiry will be conducted. If additional information is needed about the complaint, DC may request answers to specific questions, review the court file, and interview potential witnesses. If, upon completion of the inquiry, DC determines that the practitioner or organization has engaged in a violation of the Rules, DC may issue a Notice of Intent to Discipline (NID) to the practitioner or organization recommending that discipline be imposed. DC may also issue a warning letter an informal admonition to the practitioner, or enter into an agreement in lieu of discipline with the practitioner.

In a disciplinary case in which a NID is issued and the practitioner or organization contests the charges, the matter will be scheduled for a hearing before an Adjudicating Official (for instance, an Immigration Judge). This is an adversarial hearing in which DC acts as a prosecutor. DC does not represent individual complainants in this hearing; however, as the complainant, you may be called as a witness. Following the hearing, the Adjudicating Official will issue a decision either recommending dismissal of the charges or adopting, modifying, or otherwise amending the proposed discipline. The Adjudicating Official’s decision is final unless the practitioner or organization files an appeal. If the practitioner or organization files an appeal, the Adjudicating Official’s decision is reviewed by the Board of Immigration Appeals, which then issues a final administrative decision. You will be informed by letter of the final disposition of your complaint.

Further information about Rules and Procedures on Professional Conduct for Practitioners is available on EOIR’s website at: <http://www.justice.gov/eoir/press/2013/EOIRsDisciplinaryProgramFactSheet02272013.pdf>.

Filing Considerations Filing a complaint against an immigration practitioner or organization is a serious matter. Your decision to file a complaint should only be made after careful consideration and after all efforts to work out the problem with the practitioner or organization have failed. The disciplinary system is designed to provide an orderly and fair way to deal with complaints of professional misconduct against practitioners and organizations.

Paperwork Reduction Act Notice Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to review the form, gather necessary materials, and assemble the attachments is 2 hours. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 20530.

Privacy Act Notice This collection of information is authorized by 8 U.S.C. § 1362 and 8 C.F.R. §§ 1003.104, 1292.18 in order to file a complaint against an immigration practitioner or recognized organization. The information you provide to file a complaint against an immigration practitioner or recognized organization is voluntary; however, the failure to provide the requested information may result in dismissal of the complaint. Information concerning complaints is confidential, and EOIR may only share this information with others in accordance with 8 C.F.R. § 1003.108(a) or the approved routine uses described in EOIR-003, Practitioner Complaint-Disciplinary Files.