

## **SUPPORTING STATEMENT**

**OMB No. 1125-0021**

**Notice of Entry of Limited Appearance for Document Assistance  
Before the Board of Immigration Appeals (Form EOIR-60)**

**Notice of Entry of Limited Appearance for Document Assistance  
Before the Immigration Court (Form EOIR-61)**

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### **Part A. Justification**

1. Necessity of Information Collection - The Executive Office for Immigration Review (EOIR) seeks reauthorization and revision of a previously approved collection (OMB No. 1125-0021) for Individuals, Attorneys and Representatives entering a limited appearance to assist a pro se respondent with a legal filing or other document to be filed with EOIR.

**Background.** There are detailed regulations regarding the representation of private parties before the Board of Immigration Appeals (Board) and the Immigration Courts. An alien in removal proceedings may be represented, at no expense to the Government, by a practitioner who is authorized to practice before the Board and the Immigration Courts. See Immigration and Nationality Act (INA) §§ 240(b)(4)(A), 292, 8 U.S.C. §§ 1229a(b)(4)(A), 1362; 8 C.F.R. §§ 1003.16(b), 1003.17(b), 1003.38(g). If an alien wishes to be represented in proceedings before the Board or the Immigration Court by a practitioner, the practitioner must inform EOIR that they are entering an appearance to become the practitioner of record on behalf of that individual. To do so, a practitioner must file a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form

EOIR-27) or a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court (Form EOIR-28). *See* 8 C.F.R. § 1003.17(a). The Forms EOIR-27 and EOIR-28 are also served on opposing counsel with the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement.

**Purpose.** While EOIR permits the entry of a separate appearance for individual custody and non-custody related proceedings, historically the agency has not permitted the entry of limited appearances to assist with discrete matters within those individual proceedings. *See Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). On September 30, 2020, EOIR published a Notice of Proposed Rulemaking (NPRM) at 85 FR 61640 (Professional Conduct for Practitioners—Rules and Procedures, and Representation and Appearances), seeking to amend 8 CFR parts 1001 and 1003, to allow the entry of a limited appearance for practitioners to provide document assistance to pro se individuals in proceedings before EOIR, without requiring the practitioner to become the practitioner of record. The regulatory changes clarified the definitions of practice and preparation before EOIR, defining when an entry of appearance is required, and in such circumstances when the entry of a limited appearance is required versus the entry of an appearance to become the practitioner of record. Subsequently, on September 14, 2022, EOIR published the Final Rule, Professional Conduct for Practitioners—Rules and Procedures, and Representation and Appearances, 87 FR 56247 (Sept. 14, 2022) (effective Nov. 14, 2022), amending the regulations at 8 C.F.R. §§ 1003.2(g)(1), 1003.17(b) and (c), 1003.38(g)(2), and the agency received OMB approval to issue separate stand-alone forms for the entry

of a limited appearance before each adjudicatory component as the most appropriate method for the collection of this information. The separate forms EOIR-60 and EOIR-61 are intended to provide greater clarity to the practitioners using the forms, the pro se respondents who are only engaging with the practitioners in a limited capacity, and for the EOIR staff processing the forms. The entry of a limited appearance does not create any continuing obligation on the part of the practitioner to continue to represent an alien before EOIR as would be required pursuant to the entry of an appearance pursuant to an EOIR-27 or EOIR-28. Moreover, the separate limited appearance forms expressly clarify the scope of the practitioner's services to the individual and specify which documents the practitioner has assisted with for the pro se individual.

**Information Collections.** These forms are the Notice of Entry of Limited Appearance for Document Assistance Before the Board of Immigration Appeals (EOIR-60) and Notice of Entry of Limited Appearance for Document Assistance Before the Immigration Court (EOIR-61). The forms are available on EOIR's website along with all of EOIR's other forms. Form respondents may download, print, and complete the form by printing or typing legibly, and forms may be filed by mail or hand delivery to the proper Immigration Court or the Board. The forms are also available online as a fillable and fileable electronic PDF document. Forms may be electronically completed and filed through the online EOIR Courts and Appeals System (ECAS), which was recently expanded in July 2024 to enable pro se individuals in EOIR immigration proceedings to participate in electronic filing

through the ECAS Respondent Access Portal (RAP).

**Revisions.** EOIR revised Forms EOIR-60 and EOIR-61 to remove the mail only filing restrictions and inform the users that they may review the EOIR Policy Manual for filing guidance. The Proof of Service section has been revised to reflect that, if noted that the forms are submitted through RAP, they are served electronically on the other party by the system. The Privacy Act notice is also revised to correct the citation to the system of records notice (SORN) for the Attorney Discipline System, EOIR-003, and that case information is also available in English or Spanish through the EOIR Automated Case Information System online at <https://acis.eoir.justice.gov/en/>.

2. Needs and Uses - The Forms EOIR-60 and EOIR-61 allow practitioners to notify the Board or the Immigration Court that they are entering a limited appearance for document assistance only. The forms permit the practitioner to identify the document they have assisted with and attest that they have explained the limited scope of the services they have provided to the pro se individual. These forms will allow EOIR to track and easily identify the practitioners who have assisted a pro se individual with documents filed with EOIR as a measure for detecting fraud, deterring ghost-writing, and holding practitioners accountable for their work. The forms further provide that practitioners who enter a limited appearance are bound by EOIR's Rules of Professional Behavior similar to those entering a full appearance. The forms allow EOIR to ensure that only individuals authorized by regulation are entering limited appearances on behalf of pro se individuals

facing removal from the United States.

3. Use of Technology - The use of this form will provide the most efficient means for collecting and processing the required data. The forms will be available on EOIR's website along with all of EOIR's other forms and will be available as a fillable, fileable, and signable PDF document that may be filed electronically through the online ECAS system. Alternatively, the forms may be printed and completed by typing or printing legibly, and form respondents may physically submit the form to EOIR by mail or hand delivery.

4. Efforts to Identify Duplication - Currently, there is no other EOIR form for the entry of a limited appearance for document assistance. While EOIR does have forms for the entry of appearance before EOIR for custody and non-custody proceedings, those forms result in the entry of an appearance as the representative of record, binding the practitioner to full representation before the Board or the Immigration Court for the life of the proceeding, including appearing at all scheduled hearings, unless and until the practitioner is permitted to withdraw. As the current entry of appearance forms are for a completely different use and purpose, the entry of limited appearance forms for document assistance only does not create a duplication of effort, and the information collected cannot be used for any other purpose.

5. Impact on Small Businesses - This collection has a minor impact on small businesses or other small entities to the extent they employ practitioners who provide document

assistance to aliens in proceedings before EOIR. However, this collection does not impose undue burden on the small businesses or other entities. The forms require no filing fee and EOIR estimates that the form takes six minutes (0.1 hour) to complete. In addition, the requested information is needed to ensure that only practitioners in good standing or otherwise qualified individuals are permitted to enter a limited appearance before EOIR.

6. Consequences of Less Frequent Collection - Failure to collect this information would preclude practitioners from entering a limited appearance on behalf of respondents in proceedings before EOIR.

7. Special Circumstances Influencing Collection - None of the eight special circumstances identified in OMB instruction number 7 apply to this collection.

8. Federal Register Publication and Consultation – A 60-day notice covering this collection was published in the Federal Register on June 3, 2025 (90 FR 23568). No comments were received on the 60-day notice. A 30-day notice covering this collection was published in the Federal Register on August 7, 2025 (90 FR 38181). If any additional comments are received, they will be considered and incorporated where appropriate.

9. Payment or Gift to Claimants - EOIR does not provide any payment or gifts to parties in immigration proceedings or their attorneys or representatives.

10. Assurance of Confidentiality – The Board of Immigration Appeals and the Immigration Courts retain the original form in the record of proceedings, along with all other documents filed in the proceeding. EOIR staff members and adjudicators who process, review and adjudicate the case may access Forms EOIR-60 and EOIR-61. To the extent permitted by law, EOIR protects the confidentiality of the contents of Forms EOIR-60 and -61. EOIR would release information in accordance with the Privacy Act, including the applicable System of Records Notice(s), the Freedom of Information Act, and other laws that may impose confidentiality restrictions on immigration-related information. *See, e.g.*, 8 U.S.C. § 1367; 8 C.F.R. § 1208.6.

11. Justification for Sensitive Questions - To the extent that Forms EOIR-60 and EOIR-61 include a sensitive question by asking whether an attorney is in good standing with their admitting bar or subject to any order of any court or administrative agency disbarring, suspending, enjoining, restraining, or otherwise restricting them in the practice of law, such question is necessary for EOIR to determine whether the individual is duly authorized to practice before EOIR. The information is used only to the extent necessary in order to make that determination.

12. Estimate of Hour Burden

EOIR-60

a. Number of Respondents	40
b. Number of Responses per Respondent	1 each
c. Total Annual Responses	40

d. Hours per Response	0.1 hour
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e. Total Annual Hourly Reporting Burden	4 hours
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40 respondents x 1 response per respondent x 6 minutes (0.1 hour) per response = 4 burden hours.

#### EOIR-61

a. Number of Respondents	22,018
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b. Number of Responses per Respondent	1 each
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c. Total Annual Responses	22,018
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d. Hours per Response	0.1 hour
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e. Total Annual Hourly Reporting Burden	2,202 hours
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22,018 respondents x 1 response per respondent x 6 minutes (0.1 hour) per response = 2,202 burden hours.

Total burden hours for both the EOIR-60 and the EOIR-61 is 2,206 burden hours.

13. Estimate of Cost Burden - There are no capital or start-up costs associated with this information collection. There are also no fees associated with filing this information collection. The estimated public cost is \$160,310.02. This amount is reached by multiplying the burden hours (2,206) by \$72.67, which represents the current median hourly wage for attorneys, as estimated by the Bureau of Labor Statistics. \$160,310.02 represents the maximum estimate of cost burden. EOIR notes that these forms are submitted by a pro se respondent when they submit a document or filing which was



completed by an immigration practitioner, who is generally an attorney or other form of legal representative who provided them with limited services. The cost to complete the Form EOIR-60 or EOIR-61 by the practitioner is only \$7.87.

14. Estimated Cost to the Federal Government - The estimated annual cost for printing, distributing, stocking, processing, and maintaining Forms EOIR-60 and EOIR-61 is \$88,325. This includes the printing, processing, and overhead cost estimates for both forms.

15. Reasons for Change in Burden – There is a decrease in the estimated public burden due to a decrease in the number of Forms EOIR-60 and EOIR-61 received by the agency annually compared to the anticipated number of forms the agency expected to receive when EOIR sought initial clearance of the forms in 2022 as new collections of information.

16. Plans for Publication - EOIR does not intend to employ the use of statistics or the publication thereof for this collection of information.

17. Display of Expiration Date - EOIR plans to include the expiration date for OMB approval of the information collection.

18. Exceptions to the Certification Statement - EOIR does not request an exception to the certification of this information collection.

**Section B. Collection of Information Employing Statistical Methods**

This collection does not employ statistical methods.

## **PAPERWORK CERTIFICATION**

In submitting this request for Office of Management and Budget (OMB) approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with, including paperwork regulations, any applicable statistical standards or directives, and any other information policy directives promulgated under 5 C.F.R. § 1320.

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