

SUPPORTING STATEMENT

OMB No. 1125-0013

Request by Organization for Accreditation or Renewal of Accreditation of Non-Attorney Representative Form EOIR-31A

Part A. Justification

1. Necessity of Information Collection - The Executive Office for Immigration Review (EOIR) seeks a renewal with changes to a currently approved information collection (OMB#1125-0013) for the accreditation of non-attorney representatives. Regulations prescribe who may represent individuals in immigration proceedings. The Office of Policy (OP) may grant recognition to organizations, which are then able to seek full or partial accreditation of their representative(s) to practice before EOIR and the Department of Homeland Security (DHS). *See* 8 C.F.R. §§ 1292.12, 1292.13(a). For this to occur, OP must first approve a request for recognition from an eligible organization. Then, OP must approve a request from a recognized organization for accreditation of its representative(s). A representative who receives full accreditation may represent clients before EOIR and DHS; a representative who receives partial accreditation may represent clients before DHS only.

An organization applies for accreditation or renewal of accreditation of a non-attorney representative by submitting a Form EOIR-31A to OP and serving a copy of the Form EOIR-31A on the local District Director of the U.S. Citizenship and Immigration Services (USCIS) of DHS. 8 C.F.R. § 1292.12(b). The Form EOIR-31A collects basic information about the non-attorney representative, including a description of their

knowledge and experience. This information is necessary to prevent fraud. It also ensures that the representative has the requisite knowledge and skill to represent individuals in immigration proceedings.

EOIR has made non-substantive changes to the current Form EOIR-31A. These changes include revisions to the form's Privacy Act notice; addition of the expiration date for OMB approval on the form; updates to the address to which applications can be submitted; and addition of an alternative method by which applications can be submitted. EOIR is developing a Recognition and Accreditation (R&A) Access (RAA) User Portal electronic information system by which respondents may create a user account and electronically submit applications for recognition and accreditation.

2. Needs and Uses - The application Form EOIR-31A is used by organizations for accreditation of non-attorney representatives. The form is filed with and adjudicated by EOIR. Specifically, OP receives and processes requests for accreditation of representatives of recognized organizations to represent individuals in immigration proceedings before EOIR and/or DHS. The request is considered by OP, as well as USCIS, which is served with the request, and may respond to it. Careful review of the application materials is necessary to prevent the accreditation of fraudulent or unqualified representatives and ensure that only individuals with sufficient immigration knowledge will be accredited to represent clients before EOIR and/or DHS.

3. Use of Technology - The use of this form will provide the most efficient means for

collecting and processing the required data. The Form EOIR-31A is available on EOIR's website as a fillable pdf. The information can be typed into the fillable fields, or respondents may complete the form by printing the form and writing legibly. Currently, the form may be submitted by email or mail to OP. In the future, respondents will be able to submit the form electronically through the RAA portal.

4. Efforts to Identify Duplication – The only method for an organization to apply for accreditation of representatives is to file Form EOIR-31A. A review of EOIR's forms revealed no duplication of effort, and there is no similar information currently available that can be used for this purpose.

5. Impact on Small Businesses - This collection has an impact on small businesses or other small entities to the extent that they are non-profit organizations applying to OP for accreditation of non-attorney representatives before EOIR and/or DHS. However, this collection does not pose an undue burden on these non-profit organizations. The initial application takes approximately three hours to complete. While the renewal application takes approximately seven hours to complete, renewal is only required every three years. The requested information is necessary for OP's determination of the suitability of applicants seeking to provide legal representation.

6. Consequences of Less Frequent Collection - Failure to collect this information would deprive the organization of establishing eligibility for accreditation of a representative.

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 March 14, 2025 (90 FR 12178). During the 60-day comment period, EOIR received comments for this collection and the companion Form EOIR-31 (OMB No. 1125-0012). Those comments are addressed below. A 30-day notice covering this collection was published in the Federal Register on July 18, 2025 (90 FR 34011).

Comment: A commenter asserted that requiring applicants to submit their Recognition and Accreditation (R&A) applications through the R&A Access (RAA) online portal would impact organizations who may lack digital capacity to use the online portal. The commenter suggested that the Executive Office for Immigration Review (EOIR) consider maintaining the option to submit R&A applications via regular mail to ensure that a variety of applicants continue to have access to the program.

Response: The RAA online portal is an online access feature that is being contemplated. This portal will allow prospective applicants to apply online for recognition or accreditation, and online account management of an approved organization, as well as allow the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), as an entity legally authorized to review and comment on R&A applications pursuant to 8 C.F.R. § 1292 et seq., access to view and provide input on

application packages. This modernization effort is intended to facilitate an increased level of efficiency in processing applications for recognition and accreditation. Once the online portal is implemented, applicants will be required to submit their applications and supporting documentation via the online portal. Mailed or emailed applications to the R&A Program will be accepted in limited circumstances, to include technical issues or other barriers encountered by online portal users. EOIR R&A Program will accommodate such situations on a case-by-case basis. Absent these limited circumstances, paper or email submissions will likely be rejected, and the applicant will be directed to submit the required application and supporting documentation via the portal. EOIR is contemplating extending a 30-day grace period following the launch of the RAA online portal to allow for the continued acceptance of email and paper filings during the transition.

EOIR understands the commenter's concern with restricting submissions of applications via the online portal and recognizes that not all organizations have the same level of digital capacity. EOIR reaffirms that it is committed to ensuring that the R&A application process remains accessible to everyone, regardless of technological resources. However, EOIR notes that attorneys and accredited representatives seeking to provide legal representation to individuals before the immigration courts and the Board of Immigration Appeals are mandated to utilize the EOIR Courts & Appeals System (ECAS), an electronic filing and records applications system, to file court and appeal documents, view case details, etc., and are expected to have the digital capability to use ECAS. *See 86 FR 70708*. Consistent with that, organizations seeking accreditation and recognition should likewise have the ability to use the R&A online portal to submit the required

application and supporting documentation.

Comment: Commenters expressed several concerns regarding recent publication of System of Records Notice (SORN) JUSTICE/EOIR-004, Recognition and Accreditation Program Records, published at 90 FR 16173 (Apr. 17, 2025). Commenters expressed concern with the exchange of personally identifiable information (PII) between the Department of Justice and DHS. The commenters noted the need for robust security safeguards to prevent unauthorized access and use of PII, as well as measures to mitigate potential privacy or security risks with said information sharing. Commenters also expressed concern with the expansion of routine uses of records of information maintained in the system, to include sharing with other federal government agencies and courts, and the expansion of information shared. The commenters noted that said expansion of routine uses and information shared could adversely impact the number of applicants seeking to participate in the program due to the risk of information being involuntarily disclosed to other agencies, entities, and individuals. Commenters expressed concern with the addition of a routine use to the applicable System of Records Notice, published in 90 Fed. Reg. 16173 (April 17, 2025), regarding the disclosure of information for statistical analysis and asserted that said routine use be stricken, arguing that such disclosure does not align with the purpose for the information collection. Commenters expressed concern about potential privacy and security risks associated with the RAA online portal and recommended that EOIR ensure proper record keeping of data being submitted in the RAA system. Finally, commenters recommended that EOIR increase the Notice of Proposed Rulemaking (NPRM) comment period for CPCLO Order No. 01-

2025 from 30 to 60 days.

Response: EOIR acknowledges receipt of this feedback; however, these comments do not pertain to the information collection document, namely the proposed changes to Forms EOIR-31/31A as published in 90 Fed. Reg. 12176 (March 14, 2025) and 90 Fed. Reg. 12178 (March 14, 2025), but instead pertain to the SORN, published in 90 Fed. Reg. 16173 (April 17, 2025). EOIR forwarded these comments to the Department of Justice's Office of Privacy and Civil Liberties for further review and response.

9. Payment or Gift to Claimants - EOIR does not provide any payment or gifts to parties in immigration proceedings or their attorneys or representatives, including recognized organizations and their accredited representatives.

10. Assurance of Confidentiality – EOIR's Office of Policy Recognition and Accreditation Coordinator maintains the original application. Those EOIR staff members processing the application may access Form EOIR-31A. EOIR protects the confidentiality of the contents of Form EOIR-31A, to the extent permitted by law, including the Privacy Act and the Freedom of Information Act.

11. Justification for Sensitive Questions - There are no questions of a sensitive nature in the Form EOIR-31A.

12. Estimate of Hour Burden

Initial Accreditation Request

a. Number of Respondents	747
b. Number of Responses per Respondent	1
c. Total Annual responses	747
d. Hours per response	3
e. Total annual hourly reporting burden	2,241

The total annual reporting burden is derived by multiplying the number of respondents (747) by the frequency of response (1) by the number of hours per response (3 hours):
 $747 \text{ respondents} \times 1 \text{ response per respondent} \times 3 \text{ hours per respondent} = 2,241 \text{ burden hours.}$

Renewal of Accreditation

a. Number of Respondents	314
b. Number of Responses per Respondent	1
c. Total Annual responses	314
d. Hours per response	7
e. Total annual hourly reporting burden	2,198

The total annual reporting burden is derived by multiplying the number of respondents (314) by the frequency of response (1) by the number of hours per response (7 hours):

314 respondents x 1 response per respondent x 7 hours per respondent = 2,198 burden hours.

13. Estimate of Cost Burden

There are no capital or start-up costs associated with this information collection. There is no filing fee associated with the form. The estimated public cost is zero.

For informational purposes only, respondents may incur a cost if they hire a private practitioner to assist them with completing Form EOIR-31A. The Bureau of Labor Statistics reports that the median hourly wage for lawyers is \$70.08. For those respondents who proceed without a practitioner, there is an estimated cost of \$10 per hour for completing the form (the individuals' time and supplies) in lieu of the practitioner cost.

14. Estimated Cost to Federal Government - It is estimated that the annual government cost for printing, distributing, stocking, processing and maintaining the Form EOIR-31A is \$11,706 (initial and renewal requests) for EOIR.

15. Reason for Change in Burden - There is an increase in the time burden to complete the form; the time burden increased due to an observed increase in the average annual number of respondents for initial accreditation requests.

16. Plans for Publication - The information from this collection will be used internally to process the applications for accreditation.

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

18. Exceptions to 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 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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