BOARD OF IMMIGRATION APPEALS

ACCREDITATION

AND ENTERING IMMIGRATION APPEARANCES:
A CHECKLIST GUIDE TO 8 C.F.R. § 292

Third Edition

By Tim McIlmail

edited by Christina DeConcini and Carol Wolchok

American Bar Association
Commission on Immigration
740 15th Street, NW
Washington, DC 20005
ACKNOWLEDGMENTS

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PREFACE

Most of the practice of immigration law takes place before two agencies of the United States Department of Justice: the Immigration and Naturalization Service (INS) and the Executive Office for Immigration Review (EOIR). The EOIR contains, among other offices, the Office of the Immigration Judges and the Board of Immigration Appeals (BIA), and is independent of the INS. In order to gain immigration benefits or defend against actions such as deportation and exclusion a person may find herself before any or all of these offices. A person appearing before the INS, an immigration judge, or the BIA may be represented by an attorney at no expense to the government. Many people, however, cannot afford to hire legal counsel. Many immigration lawyers offer free or low cost representation to people with limited incomes, but their numbers are insufficient to meet the needs of all those without representation. Nonlawyer representation offers a partial solution to this problem.

Many social service organizations throughout the United States have long-term experience assisting noncitizens with immigration-related problems. Many of these organizations are staffed in part by nonlawyers who are knowledgeable in immigration law and procedure. Law students also represent indigent immigrants through law school-based immigration clinics. Practice by these classes of nonlawyers increases the availability of legal services to noncitizens with limited incomes, and improves the quality of those services.

Since 1958 the United States Code of Federal Regulations (C.F.R.) has authorized the practice of immigration law by nonlawyers before the INS, immigration judges, and the BIA. This manual offers a guide to how the nonlawyer staff of social service organizations, law students, law school graduates, and other reputable persons can gain permission to represent people before the INS and the EOIR. The manual draws on the applicable law and regulations, as well as the experiences of immigration social service organizations, clinics, and attorneys.

The manual's use of the word must refers to what is required for the approval of an application, while the words may and should refer to recommendations whose adoption will increase the likelihood that an application will be approved. The manual also lists eligibility requirements and appearance procedures for lawyers, law students, law school graduates, and other reputable persons. It takes a technical rather than an evaluative approach, providing samples of forms and application submissions, and checklists of steps that can lead to permission to appear before the immigration agencies of the Department of Justice.
PART 1:

GAINING ORGANIZATIONAL RECOGNITION

AND

REPRESENTATIVE ACCREDITATION
Organizational Recognition: 8 C.F.R. 292.2(a), (b), (c)

Introduction

An alien is a person who is not a citizen or national of the United States. A person who is not an attorney, law student, or law school graduate may nevertheless represent an alien if the person is an accredited representative of an organization recognized by the BIA. 8 C.F.R. § 292.1(a)(4). The EOIR began its recognition and accreditation program in 1958. There are currently some 307 recognized organizations and 319 active accredited representatives nationwide.

A representative in this category may receive accreditation only through her association with a recognized organization. Only an organization may apply for a representative’s accreditation; the proposed representative may not apply on her own behalf. The organization must apply for the proposed representative’s accreditation after the organization receives its recognition, or simultaneously with the organization’s application for recognition. See Matter of Lutheran Ministries of Florida, Int. Dec. 3132, at 1 (BIA 1990).

Organizational Eligibility

An organization may provide immigration law services without having gained BIA recognition, but only a nonrecognized organization’s lawyers, law students, or law school graduates may appear before the INS, immigration judges, or the BIA. (For eligibility requirements and procedures for entering appearances for those classes of persons, see Part 2 of this manual.) If the organization wishes that its other staff be able to appear, it must seek BIA recognition. To receive recognition, an organization must

be established in the United States,
be a non-profit religious, charitable, social service, or similar organization,
charge only nominal fees of its clients,
not assess excessive membership dues to persons receiving services,
have adequate immigration knowledge, information, and resources at its disposal,
8 C.F.R. § 292.2(a); Matter of American Paralegal Academy, Inc., 19 I & N Dec. 386, at 1 (BIA 1993), and
have an "independent existence" separate and apart from its accredited or proposed representative(s). Matter of Baptist Educational Center, 19 I & N Dec. 3210, at 14-16 (BIA 1993).
Preparing the Recognition Application

To receive recognition, an organization must
____ submit an application for recognition to the BIA,

The recognition application must fully set forth that the organization meets the eligibility requirements listed above. The application packet submitted to the BIA must include
____ a Form EOIR-31 Request for Recognition (formerly Form G-27),
____ copies of the organization's charter, constitution, articles, and bylaws, where applicable, (see Matter of Lutheran Ministries of Florida, Int. Dec. 3132, at 2 (BIA 1990)), Form EOIR-31,
____ a fee schedule, where applicable, demonstrating that only nominal fees are charged,
____ a statement of the organization's sources of funding, other than from dues or fees,
____ a statement regarding the knowledge, information, and experience in immigration and nationality law and procedure at the organization's disposal, and
____ a certificate of service of a copy of the application on INS district director.

To increase the likelihood its application will be approved, the organization should also include
____ a cover letter with index of application documents,
____ proof of tax-exempt status, e.g. 501(c)(3), (see id.),
____ a list of immigration law library resources available to the organization (see id.),
____ a description of the organization's staff structure, describing its operating officers and supervisory system (id., at 3),
____ staff resumes (id.),
____ letters of recommendation, and
____ examples of organizational publicity.

Form EOIR-31

The regulations state that the organization must complete and submit a Form G-27, "Request for Recognition." 8 C.F.R. § 292.2(b). That regulation has been changed. The regulations now require that the organization complete and submit a Form EOIR-31, which can be obtained from:

Christine Donley
Board of Immigration Appeals
Suite 2400
5107 Leesburg Pike
Falls Church, VA 22041.
The form requests a statement of the organization's knowledge, information, and experience in immigration and nationality law and procedure. The organization should attach a statement that briefly outlines the organization's history, mission, and accomplishments, and provides statistics on the types and numbers of petitions and applications the organization handles.

The following is a sample of a Form EOIR-31.
TO: Board of Immigration Appeals  
5107 Leesburg Pike, Suite 2400  
Falls Church, VA 22041  

DATE__________________________
Month Day Year

1. _____________________________ requests
   recognition pursuant to 8 CFR 292.2 so that it may apply for accreditiation
   of persons of good moral character to represent others in immigration
   proceedings before the Immigration and Naturalization Service and the
   Board of Immigration Appeals.

2. Location of Organization
   ____________
   ____________
   ____________
   ____________

3. Type of recognition requested
   □ Religious
   □ Charitable
   □ Social Service
   □ Other

   If other, specify ____________________________

4. Is organization chartered? □ YES  □ NO
   (If yes, copies of Charter and/or Constitution and Articles of Incorporation
   and/or Bylaws must be attached.)

5. What charges or membership dues, if any, are imposed?
   ______________________________________________________________________
   (A fee schedule must be attached, if applicable, along with a statement of the
   sources of funding for the organization other than from any dues or fees.)

6. A statement must be attached regarding the knowledge, information, and experience in
   immigration and nationality law and procedure that is at the disposal of the organization.

   ________________________________
   SIGNATURE

   (TYPE) Name and title of authorized official of organization

   ________________________________
   SIGNATURE

   CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing form and all attachments was mailed first class, postage prepaid on

   ________________________________
   to ________________________________ the District Director of the Immigration and Naturalization Service.

   ________________________________
   SIGNATURE
Nominal Fees

To be eligible for recognition, an organization must demonstrate that it "makes only nominal charges and assesses no excessive membership dues." 8 C.F.R. § 292.2(a)(1) The BIA determines on a case-by-case basis whether organizations charge only nominal fees. Matter of American Paralegal Academy, Inc., 19 I & N Dec. 387 (BIA 1986). A general guide, according to the BIA, is that nominal fees are fees that are of "very small quantity," and are charges "in name only as distinguished from real or actual." Id. Some organizations have had their applications disapproved because their fees were not "nominal." For example, a charge of $350.00 for an adjustment or asylum application may not be nominal. Id., at 386. Because the term "nominal fees" has no precise meaning, it is easier to describe what are not nominal fees than to define what are. According to Matter of American Paralegal Academy, Inc., the following characteristics indicate fees that are not nominal:

- fees that are only "substantially less" than those charged by law firms,
- fees that constitute the sole or a significant portion of the organization’s revenue,
- fees that are a prerequisite to receiving services, even if the organization calls them "donations," and
- fees whose only "nominal" feature is that they are on a sliding scale. See id.

To demonstrate the existence of only nominal fees, the application must include, where applicable, a copy of the organization’s fee schedule, and should also submit

- a copy of the organization’s notice to potential clients that they will receive legal services even if they cannot afford to pay the fees. For example, all clients should be given nominal fee/donation schedules which state clearly that all fees/donations are voluntary, and that clients will be served regardless of their ability to pay,
- a breakdown of large fees into their smaller components. For example, the charge for an Alien Relative Petition may be listed as consisting of the following parts, each with its separate charge: I-130, G-325, Packet III, Packet IV, photos and fingerprints, and
- a breakdown of the organization’s revenue base, comparing fees to all other sources of funding, in order to demonstrate that the organization does not rely on fees for its operation.

Statement of Funding Sources

The BIA will also look at the organization’s funding sources in order to determine whether the organization is a non-profit. Therefore, if the organization receives funding from sources other than dues and fees, a list of those sources must be included in the recognition application.
Immigration Resources and Experience

The application must include evidence that the organization has access to knowledge, information, and resources of immigration law, regulations, and practice. 8 C.F.R. § 292.2(a)(2). In general, this means

— "experience in all aspects of immigration law and procedure, including the visa petition process, exclusion, and deportation" (Matter of Lutheran Ministries of Florida, Int. Dec. 3132, at 2 (BIA 1990), and

— access to immigration law resources, both human and literary (see id.).

To demonstrate access to immigration resources, the application should include a comprehensive list of immigration law books in its own library. The following resources are the absolute basics necessary to gain recognition:

— Immigration and Nationality Act,
— 8 United States Code of Federal Regulations

The following is a sample of a more extensive list of immigration resources, submitted as part of an organization’s recognition application.
Library Resources of PROBAR


BIA Interim and Precedent Decisions

Federal Court Decisions

UNHCR Handbook on Procedures and Criteria for Determining Refugee Status


AILA Monthly Mailings (1991-2)

Kurzban's Immigration Law Sourcebook (1991)


Central American Resource Center Theme Packets, Honduras, Guatemala, El Salvador


INS Misconduct: Rights and Remedies in Immigration Law Enforcement, National Immigration Law Center


PROBAR shares office space and library resources with Proyecto Libertad. The following is a list of resources not already named above which are available to PROBAR at Proyecto Libertad.

3 U.S.C.A.

Bound BIA Decisions. Vols. 15-8. I & N
Library Resources of Proyecto Libertad

Interim Decisions, U.S. Department of Justice

Patel's Digest of Administrative Decisions Under Immigration and Nationality Laws

Immigration Law and Procedures, Gordon and Rosenfield

Interpreter Releases (1984-present)

Immigration Law and Defense, Vol. 1 & 2, National Lawyers Guild

Immigration Law and Crimes, National Lawyers Guild

Immigration Procedures Handbook

Immigration Process and Policy, Aleinkoff and Martin

Legalization Handbook, Clark Boardman

Immigration Employment Compliance Handbook, Fragomen and Bell (1987)

Handling Immigration Cases, Ong Hing

Rules of the U.S. Court of Appeals-Fifth Circuit

Texas Rules of Court-Federal


Federal Practice Manual Southern District of Texas, Federal Bar Association

Fundamentals of Trial, Mauet

Black's Law Dictionary

Information Services on Latin America (1988-present)

In addition, ProBAR and Proyecto Libertad have access to Supreme Court Reporters, F. Supp., and F.2d at Texas Rural Legal Aid. Texas Rural Legal Aid is located at 308 E. Harrison, Harlingen, Texas. 5 blocks from the offices of Proyecto Libertad and ProBAR.
If the organization does not have its own immigration law library, the application may state that the organization has access to the law library of

- another social service organization,
- a law school,
- a local courthouse, or
- a law office.

The organization is more likely to demonstrate access to immigration resources and experience if the application sets forth that

- its board of directors includes an immigration lawyer or an accredited representative available for consultation on complex cases, or
- if an immigration lawyer does not sit on the board, an immigration lawyer is available for consultation on a volunteer or reduced fee basis, but
- simply listing these persons is not enough. The application should also set forth the extent to which these directors and attorneys will be available to assist the organization. Matter of American Paralegal Academy, Inc., 19 I & N Dec. 386, 388 (BIA 1986).

**Independent Existence**

A recently published BIA decision, Matter of Baptist Educational Center, Int. Dec. 3210 (BIA 1993), indicates that a recognized organization must have an "independent existence" separate and apart from its accredited or proposed representative(s). In other words, the organization must be a legitimate "nonprofit charitable, social service, or similar organization," and not merely "established to provide a means" through which a nonlawyer may receive income through the practice of immigration law. Factors that point to a lack of an "independent existence" are

- a "close association" from the outset between the organization and the representative,
- a representative who is also the organization's incorporator (or one of its two incorporators), its director, and its operating officer,
- an organization address that is identical to the address of the representative's personal residence,
- the lack of an organization bank account, and commingling of organizational funds with the representative's own funds,
- a lack of "connection with any outside religious, social service, charitable, or similar group." Id., at 14-16.

Organizational recognition and representative accreditation may also not serve as "a means whereby an attorney could obtain accreditation for paralegal associates, nor a means for an accredited individual to obtain clients for a private attorney, resulting in fee sharing." Id., at 18. Factors that point to a "close business association" between a representative and a private attorney, which in turn indicates the lack of an "independent existence" for the
organization, include evidence that

___ the representative and the attorney share office space, office personnel, and library resources,
___ the representative and the attorney alternately represent the same clients,
___ the representative refers clients seeking free or reduced fee representation to the attorney, who seeks an additional fee. Id., at 17-18.

Certificate of Service

The organization must serve a copy of its recognition application packet on the INS District Director having jurisdiction over the area in which the organization is located. 8 C.F.R. § 292.2(b). The recognition application submitted to the BIA must include a certificate of that service. The new Form EOIR-31 contains a Certificate of Service, eliminating the need for a separate certificate. (See page 8.) The organization should of course keep a copy of the keep a copy of the certificate of service (as well as the entire application) for its records.

Cover Letter and Index of Application Documents

The cover letter should be on organization letterhead, and be addressed to:

Mr. ____________, Chairman
attn: Christine Donley
Board of Immigration Appeals
Suite 2400
5107 Leesburg Pike
Falls Church, VA 22041. (Ms. Donley’s office may be reached at (703) 305-0471.)

The cover letter should
___ refer to 8 C.F.R. § 292.2, the regulation that authorizes organizational recognition, and
___ specify whether the organization wishes to practice before
___ the BIA,
___ an immigration judge,
___ the INS, or
___ all three, and
___ include or be followed by an index of documents that comprise the application.

The following is a copy of an organization’s application cover letter and index of documents.
Board of Immigration Appeals
5501 Leesburg Pike
Falls Church, VA 22041

May 21, 1992

RE: APPLICATION FOR AGENCY RECOGNITION AND FULL ACCREDITATION OF AUTHORIZED REPRESENTATIVE PURSUANT TO 8 C.F.R. 292.2 (1991)

Dear Sirs:

Enclosed please find the application for ProBAR, the South Texas Pro Bono Asylum Representation Project, to be a recognized agency of the Board of Immigration Appeals pursuant to 8 C.F.R. 292.2. We also concurrently seek to have our legal assistant, Maria Baldini, fully accredited to practice before the Board of Immigration Appeals, the Executive Office for Immigration Review, and the Immigration and Naturalization Service.

There continues to be an urgent need for legal representation of respondents in deportation and exclusion proceedings in the Harlingen District. This need has been recognized by the national, state, and local organized bars and the INS.

In light of the urgent need, I respectfully request that you render a decision within thirty days of the response of the District Director.

The following documents are enclosed in support of these applications:

A. Certificate of Service on District Director, INS, Harlingen, Texas:

B. Form G-27. Request for Recognition:

C. Tax exempt certificate:
   Letter from Julie Oliver, Executive Director, State Bar of Texas:

D. List of library resources:

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E. Letters of recommendation for ProBAR:
1. Honorable Annie S. Gacy, Immigration Judge.
   Harlingen, Texas:
2. Rogelio Nunez, Director, Casa de Proyecto Libertad.
   Harlingen, Texas:
   Harlingen, Texas:
   Mission, Texas:
5. Sister Carolyn Hooks, Director, La Posada Providencial.
   San Benito, Texas:
   Harlingen, Texas:

F. Published articles regarding ProBAR and the process of political asylum:

G. Letter of recommendation for Maria Baldini from Anne Marie Gibbons, Coordinator, ProBAR:

H. Legal resume of Maria Baldini:

I. Copies of certificates of legal trainings and conference agendas attended by Maria Baldini:

J. Letters of recommendation for Maria Baldini:
1. Lisa J. Palumbo, Esq., Casa de Proyecto Libertad.
   Harlingen, Texas:
2. Margaret D. Burkhart, Esq., Texas Rural Legal Aid.
   Edinburg, Texas:
3. Casa de Proyecto Libertad, Harlingen, Texas;
4. Richard and Ruth Ann Friesen, Overground Railroad, Harlingen, Texas;
5. Rosemary R. Miranda, Esq., Methodist Legal Ministries, Mission, Texas;
8. Joe Nettavai, Esq., Centro Legal Por Derechos Humanos, Inc., Milwaukee, Wisconsin;
9. Delia Seeberg, formerly with the Brownsville Canada Asylum Program, Chicago, Illinois;
10. Sister Carolyn Hooks, Director, La Posada Providencial, San Benito, Texas;
11. Mark Ensallaco, Ph.D., University of Dayton, Dayton, Ohio.

K. Writing samples from Maria Baldini:
   1. Case summaries;
   2. Indexes for documentation filed in support of application for political asylum and withholding of deportation;
   3. Term paper:

L. Official university transcript for Maria Baldini;

M. General resume of Maria Baldini.

Thank you for your consideration of these requests. Please contact me if you require any additional information. In the interest of due process rights of those in deportation and exclusion proceedings, I ask that you grant our requests for recognition and accreditation as soon as possible.

Sincerely,

Anne Marie Gibbons
Coordinator

cc: E. M. Trominski, District Director
    Carol Wolchok, American Bar Association
    Julie Oliver, State Bar of Texas
Proof of Tax Exempt Status

Proof of tax-exempt status is one way to demonstrate that the organization is a non-profit. The application should include a state tax exemption certificate, or a copy of the organization’s I.R.S. 501(c)(3) letter.

Organizational Structure

The BIA has stated that it prefers that the organization explain its organizational structure. The organization should list its operating officers, describe their backgrounds and duties, include resumes of staff, and describe how the organization will operate and how the organization supervises its staff. Matter of Lutheran Ministries of Florida, Int. Dec. 3132, at 3 (BIA 1990). The INS further urges that the application include letters from the attorneys describing their availability in detail.

Letters of Recommendation

Letters of recommendation help demonstrate to the BIA that the organization is a knowledgeable, experienced, and reputable provider of immigration-related social services. These letters may be written by
___ other area social service organizations familiar with the organization’s work,
___ immigration judges, who carry substantial weight,
___ the local INS district director, whose recommendation can be extremely persuasive, or other INS officials,
___ church officials,
___ law schools and law school professors,
___ local immigration lawyers, or,
___ other attorneys familiar with the organization.

Letters of recommendation follow a general pattern. The writer should
___ introduce the letter as recommending the recognition application of the organization,
___ describe the basis of the writer’s knowledge of the organization,
___ provide the writer’s assessment of the quality of the organization’s work, and its importance to the immigrant community,
___ urge that the BIA recognize the organization,
___ offer to answer questions.

The following is a sample letter of recommendation.
Mr. David Milhollan, Chairman
Board of Immigration Appeals
5107 Leesburg Pike Ste 2400
Falls Church, VA 22041

RE: Request for Status as Recognized Organization by PROSAR under 8 C.F.R. Section 292.2 (1991)

Dear Mr. Milhollan:

The Director of PROSAR, Anne Marie Gibbons, requested that I provide a letter in support of its application for status as a recognized organization. Assistant Chief Immigration Judge M. Christopher Grant approved the request.

I have been an Immigration Judge for almost 2 years. During most of that time, I have presided over cases at the area detention facility, Port Isabel Service Processing Center. Practically all of the cases have involved asylum applications by respondents too poor to employ private attorneys. In this area of the country, pro bono representation for asylum applicants is virtually non-existent.

The nonprofit PROSAR organization is a very professionally operated organization. The Chief Immigration Judge worked out a cooperative system with PROSAR that results in case referrals directly from the Immigration Judges. I frequently ask respondents whether they were interviewed by PROSAR and virtually every person referred was interviewed and considered by PROSAR (although the number of cases accepted have varied according to availability of volunteer attorneys).

Volunteer attorneys are given a short course and materials about asylum and withholding of deportation before they come to Court. In every case, asylum applications were supported by a packet of documentation that was current, relevant, well-organized, and indexed.
On occasion the Director, Ms. Gibbons, has represented respondents herself. On each occasion, her representation of the respondent was excellent and reflected mastery of the substantive areas of the law.

In addition, PROBAR is a respected organization. Complimentary articles about it have appeared in the Texas Bar Journal at least twice. I add that PROBAR receives additional funding from the State Bar of Texas SOLTA fund (grants for pro bono representation funded by interest from attorneys’ trust accounts); in recognition of the good work done in the Valley of Texas.

I am confident that PROBAR has at its disposal adequate knowledge, information, and experience to justify their admission to practice before the Board. I personally support their application for status as an organization qualified for recognition and recommend its approval by the Board.

Respectfully,

Annie S. Garcia
Immigration Judge

CC: M. Christopher Grant
Assistant Chief Immigration Judge

Anne Marie Gibbons
Director, PROBAR
Organizational Publicity

Organizational publicity can give the BIA an indication of the organization’s reputation in the community, as well as additional evidence of its experience in immigration practice. Organizational publicity can consist of copies of

- local, state, and national newspaper articles,
- local, state, and national bar press articles,
- press pieces written by organization staff and/or program participants,
- university administration, student, or alumni publication pieces.

Submitting the Recognition Application: Overview: 8 C.F.R. § 292.2(b)

Once the application is complete, it is ready for submission to the BIA. The process leading to a final BIA decision is a multi-step one involving action by the organization, the BIA, and the INS. In brief, the process is the following:

1. The organization files the original application with the BIA, and serves a copy on the INS.

2. The INS has thirty days to recommend approval or disapproval by the BIA, or request time to investigate, and must serve a copy of its recommendation on the organization.

3. The organization has thirty days to file with the BIA a response to an INS recommendation to disapprove, and must serve on the INS a copy of that response.

4. If the BIA grants the INS time to investigate the organization, the INS must promptly file the results of its investigation with the BIA, and serve a copy on the organization.

5. If the INS files a report of its investigation, the organization has thirty days to file a response with the BIA, and must serve a copy of the response on the INS.

6. The BIA may approve or disapprove the application. If the BIA disapproves, the organization may reapply in the future.

For a more detailed breakdown of the application submission process, see pages 50-55.
BIA Approval: Recognition

If the BIA approves the application, the organization receives recognition that does not expire.

Maintaining Recognition

After receiving BIA recognition, the organization must promptly inform the BIA of changes in its name, address, or telephone number. 8 C.F.R. § 292.2(b). To maintain recognition, the organization must remain in compliance with all the qualifications of recognition. 8 C.F.R. § 292.2(c).

Withdrawal of Recognition

The BIA may withdraw an organization's recognition if the organization fails "to maintain the qualifications required by § 292.2(a). 8 C.F.R. § 292.2(c). An organization whose recognition has been withdrawn is not barred by 8 C.F.R. § 292 from reapplying for recognition. Withdrawal of recognition can happen in the following way:

1. The INS district director may investigate an organization within the director’s jurisdiction which the director believes no longer qualifies for recognition. 8 C.F.R. § 292.2(c)(1).

2. Based on the findings of the investigation, the director serves upon the organization
   a written statement of the grounds upon which withdrawal will be sought, and
   an Order to Show Cause (OSC) why recognition should not be withdrawn. This OSC is notice upon the organization that it will appear before an immigration judge "at the time and place stated." 8 C.F.R. § 292.2(c)(2).

3. The immigration judge holds a hearing, at which the INS and the organization may present evidence, makes findings of fact, and forwards the record and a recommendation to the BIA. 8 C.F.R. § 292.2(c)(3).

4. The INS and the organization may make oral arguments to the BIA. 8 C.F.R. § 292.2(c)(4).

5. The BIA considers the entire record and renders a decision to withdraw or not withdraw recognition. There is no appeal to the BIA’s decision. 8 C.F.R. § 292.2(c)(5).
Independent Existence

The BIA may find that a recognized organization fails to meet the qualifications of 8 C.F.R. § 292, and may withdraw the organization's recognition, if it determines that the organization is not "independent of and separate and apart from" its accredited representative. See Matter of Baptist Educational Center, Int. Dec. 3210 (BIA 1993); page 13 of this manual.

Burdens of Proof

The BIA recently established the burdens of proof that the parties bear in a hearing before an immigration judge to determine whether an organization's recognition is to be withdrawn. The decision held that

1. The INS must initially "make a reasonable or colorable showing" that the organization has failed to maintain the qualifications for recognition laid out in 8 C.F.R. § 292(a).

2. Once the INS has made such a showing, "the organization must demonstrate its continuing qualifications by clear, unequivocal, and convincing evidence." Id., at 14.
Representative Accreditation: 8 C.F.R. § 292.2(d)

Introduction

An organization may apply for BIA accreditation for its representative after the organization receives BIA recognition or simultaneously with its application for recognition. Once accredited, the representative may represent aliens before the Department of Justice.

Representative Eligibility

To receive accreditation, a proposed representative must

___ be applied for by a recognized organization or an organization itself applying for recognition,

___ have experience and knowledge of immigration law and procedure, and

___ be of good moral character. See 8 C.F.R. § 292.2(d).

Types of Accreditation

An organization may apply for partial accreditation or full accreditation for its representative. Id., see Matter of Florida Rural Legal Services, Inc., Int. Dec. 3196, at 2 (BIA 1993). The organization must specify in its application which type of accreditation it is seeking for its representative. Id. If the organization does not specify the type of accreditation it seeks for its representative, the BIA will judge the application by the higher standard required for full accreditation.

Partial Accreditation

Partial accreditation permits the proposed representative to appear with clients only during interviews and examinations before the INS. See page 33.

Full Accreditation

Full accreditation permits the proposed representative to appear before the INS, immigration judges, and the BIA. Full accreditation requires a higher level of experience of the proposed representative than does partial accreditation. The BIA requires that the accreditation application make a clear showing of the skills necessary to represent aliens in deportation and exclusion proceedings before the immigration judges and the BIA. See page 29.
Preparing the Accreditation Application

The accreditation application must include

____ evidence of the nature and extent of the proposed representative’s experience and knowledge of immigration law and procedure,

____ evidence of the proposed representative’s good moral character (see 8 C.F.R. § 292.2(d), Matter of Florida Rural Legal Services, Inc., Int. Dec. 3196, at 1 (BIA 1993)) and,

____ a certificate of service on the INS district director.

To increase the likelihood of the application’s approval, the application packet submitted to the BIA should include

____ a cover letter with index of application documents,

____ a list of immigration law resources available to the organization (see Matter of Lutheran Ministries of Florida, Int. Dec. 3132, at 2 (BIA 1990)),

____ a description of the organization’s staff structure, describing its operating officers and supervisory system (id., at 3),

____ staff resumes (id.),

____ the legal resume of the proposed representative,

____ copies of certificates of legal trainings and conference agenda attended by the proposed representative,

____ letters of recommendation,

____ writing samples of the proposed representative,

____ the official university transcript of the proposed representative, and

____ the general resume of the proposed representative.

Cover Letter

The organization should include in its application for the proposed representative’s accreditation a cover letter describing the representative’s experience, character, and importance to the organization and its clientele. The letter may be addressed and structured as would a letter covering an organization’s recognition application. See page 14.

The following is a sample cover letter.
Mr. David Milhollan, Chairman
Board of Immigration Appeals
5301 Leesburg Pike
Falls Church, VA 22041

May 21, 1992

RE: APPLICATION FOR ACCREDITATION OF MARIA BALDINI AS A REPRESENTATIVE PURSUANT TO 8 C.F.R. 292.2 (1991)

Dear Mr. Milhollan:

I am writing to request that Maria Baldini be accredited as a representative to practice before the Board of Immigration Appeals, the Immigration and Naturalization Service, and the Executive Office for Immigration Review. Enclosed are her legal resume, copies of certificates from legal trainings and conference agendas, letters of recommendation from individuals knowledgeable about her work, several writing samples, her official university transcript and general resume.

Ms. Baldini has worked for ProBAR, the South Texas Pro Bono Asylum Representation Project, for over a year. In her capacity as the legal assistant, she has worked on a broad range of immigration issues and has helped train law students concerning legal theories of asylum law, interviewing techniques, and preparation of court documents. She has competently and thoroughly prepared numerous asylum cases from the initial interview stage through the complete hearing process.

Her achievements with ProBAR include interviewing and advising close to 200 detained political asylum applicants; research and analysis of documentation; translation of Spanish and English for volunteer lawyers preparing for merits hearings; translation of documents from Spanish to English; preparing clients for bond hearings; research and writing concerning appealable issues; and liaison work with Deportation Officers. She has gained invaluable, firsthand experience on trial preparation and immigration law through her close work with volunteer attorneys. Ms. Baldini has an impressive grasp of other areas of immigration law and has advised and referred clients to agencies concerned with family visa petitions, employment authorization, and adjustment of status.
In addition to her outstanding work with clients, Ms. Baldini has excellent analytical skills which she is able to apply to legal research and writing. She has demonstrated her skill in examining and analyzing complex legal issues.

Ms. Baldini's legal knowledge and practical work experience have been strengthened by her attendance at several intensive training courses, including: Deportation Hearing Skills Training of the National Immigration Paralegal Training Project, and Basic Curriculum of the National Immigration Paralegal Training Project. Both of these courses, as well as others, are included on her legal resume and copies of the certificates from the trainings are included.

A responsible, dedicated, and knowledgeable person, Ms. Baldini's activities have been instrumental in the success rate of ProBAR's cases. As shown through the letters of recommendation submitted on her behalf, attorneys working with her have recognized her abilities and have relied on her expertise.

ProBAR, a project of the American Bar Association, the State Bar of Texas, and the American Immigration Lawyers Association, provides free legal services to detained individuals in the South Texas border area by recruiting volunteer attorneys, paralegals, and law students from across the country. Currently, there are approximately 500 individuals detained at the Port Isabel Service Processing Center. The majority of these individuals have no funds for the limited bar in the area and, therefore, go unrepresented. The ability of Ms. Baldini to help represent this detained population would greatly add to the effectiveness of ProBAR and aid in safeguarding the due process rights of those detained. The need for qualified individuals to represent this detained population is urgent: Ms. Baldini can ably assist in such representation.

Ms. Baldini is an excellent candidate for accreditation by the Board. Both her legal knowledge of immigration law and her practical training support approval of her application.

Due to the urgent need for legal representation in this area, I respectfully request an expedited review of ProBAR's request for accreditation of Ms. Baldini.

Thank you for your attention to and consideration of this matter.

Sincerely,

Anne Marie Gibbons
Coordinator
Certificate of Service

As with an application for organizational recognition, an organization must serve a copy of the accreditation application packet on the INS district director having jurisdiction over the area in which the organization is located. 8 C.F.R. § 292.2(d). The accreditation application submitted to the BIA must include a certificate of that service. The organization should of course keep a copy of the keep a copy of the certificate of service (as well as the entire application) for its records.

The certificate of service follows a standard format, and __ may be served on the INS district director in person or by mail, and __ must be on plain white 8 1/2" x 11" bond paper.

The following is a sample of a certificate of service on the INS.

CERTIFICATE OF SERVICE

I hereby certify that on this ___ day of ______, 199_, a copy of this APPLICATION FOR REPRESENTATIVE ACCREDITATION was mailed (or hand-delivered) to _____________________________, the District Director of the Immigration and Naturalization Service.

(Signature of Organization Representative)
Immigration Knowledge and Experience

The BIA determines each candidate's qualifications on a case-by-case basis. The organization should submit the following evidence to demonstrate the proposed representative's immigration knowledge and experience, including in the areas of exclusion, deportation, and the visa petition process (see Matter of Lutheran Ministries of Florida, Int. Dec. 3132, at 2 (BIA 1990)):

a legal resume detailing
   ___ educational history,
   ___ descriptions or titles of immigration law trainings attended,
   ___ descriptions of immigration law or policy conferences attended,
   ___ immigration law tasks or projects that the proposed representative completed or assisted in,
   ___ other immigration-related activities (see Matter of Lutheran Ministries of Florida, Int. Dec. 3132, at 2 (BIA 1990)).

Full Accreditation

According to an unpublished BIA decision, Application for accreditation: Ayuda, Inc., (BIA 1993) (at page 42 of this manual), in order for a proposed representative to gain full accreditation, the application must demonstrate that the proposed representative has knowledge and understanding of

___ the procedures for practice before the immigration judges and the BIA,
___ the grounds for exclusion and the waivers available in exclusion proceedings,
___ the grounds for deportation and the available forms of relief from deportation,
___ the federal court and BIA case law precedents in these areas. Id., at 43.

The application must also demonstrate that the proposed representative has "the skills which are essential for effective litigation," such as the ability to

___ research and evaluate a client's legal position,
___ advocate a client's position at a hearing through the presentation of evidence and questioning of witnesses,
___ write a legal brief. Id., at 43-44.

The BIA has hinted that a three day training course on deportation skills offered by the Immigrant Legal Resource Center is recommended for those proposed representatives whose organizations seek their full accreditation. See id., at 44. In addition, an INS district director recently withheld recommending full accreditation for a proposed representative who did not demonstrate exposure to or training in the area of criminal immigration law.

The following is a sample resume from a successful application for full representative accreditation. An accreditation candidate need not have the extent of experience reflected in this resume, however, to gain full accreditation.
Maria Baldini
Harlingen, Texas 78550

South Texas Pro Bono Asylum Representation Project
April 1991-present

189 political asylum interviews
27 cases--prepared supporting documentation
23 Merits hearings attended
20 cases--translated Spanish and English for volunteer lawyers
and detained asylum applicants to prepare for merits
hearings
15 Bond hearings attended
1 Suppression of Evidence hearing attended
3 Notices of appeal researched, written and filed on behalf of
pro se asylum applicants detained at the Port Isabel
Service Processing Center
2 Political asylum applications (I-589)
2 Biographic information forms (G-325A)
6 Employment authorization applications (I-765)
5 Motion to Reopen: assisted in preparing 5 motions to reopen
in front of the Board of Immigration Appeals

Letters/calls to Deportation Officers and the Immigration Court
Appearances with clients at the INS Office and with Deportation
Officials at the Port Isabel Service Processing Center
Follow-up letters and calls to volunteer lawyers and clients
Advice and referrals to clients of agencies in other areas
regarding family visa petitions, employment authorization,
and adjustment of status
Translation of official documents and letters from Latin America
Obtaining translation of documents and letters for languages
other than Spanish
Networking with Overground Railroad to bond clients to apply for
political asylum in Canada
Networking with resettlement agencies

Brownsville Canada Asylum Program
August 1990-June 1990
Sponsored by the Texas Center for Immigrant Legal Assistance.

20 Presentations on the process of political asylum in the US
and Canada at Casa Oscar Romero. Brownsville, Texas.
Topics:
1. Refugee rights
2. Definition of political asylum
3. Process of political asylum in the US
   Hearings
   Bond/bond reduction hearings
   Change of venue
   Obligations upon release from detention to
   appear at further immigration court hearings
   and appointments with the immigration and
   Naturalization Service
   Work authorization
   Appeals

4. Process of political asylum in Canada
   1. Through a Canadian Consulate
   2. At the US-Canada border

   Approximately 1500-1600 people attended.

Presentations on Temporary Protected Status for Salvadorans
(TPS) and the American Baptist Churches, etc., at Casa Oscar Romero.
Brownsville, Texas, January 1 to June 1991.

Topics:
1. Classes of persons eligible for TPS and ABC
2. Requirements to qualify for TPS and ABC
3. How to apply for TPS and ABC
4. Benefits and risks of TPS and ABC
5. Obligations/responsibilities of those who
   qualify for TPS and ABC

Approximately 400-500 Salvadorans and Guatemalians attended.

Over 200 political asylum individual interviews at Casa Oscar
Romero
3 interviews of minors detained by International Educational
Services, Inc. at Mission, Texas
20 interviews of persons detained by Texas Key Family Shelter,
San Benito, Texas
15 Canadian asylum applications completed
Follow-up letters and phone calls with the Dallas Canadian
Consulate and refugees accepted to immigrate to Canada as
political refugees.
3 Notices of appeal researched, written and filed on behalf of
   pro se asylum applicants detained at the Port Isabel
   Service Processing Center

Border Association for Refugees from Central America (BARCA)
Volunteered between February and April 1991.
30 interviews of minors detained by International Educational
Services, Inc. at Raymondville and Los Fresnos, Texas
2 Political asylum applications (I-589)
2 Biographic information forms (G-325A)
Trainings


Remedies to INS Misconduct, Sponsored by the National Immigration Project of the National Lawyers Guild. February 7, 1992.

Conferences


Gave presentation on refugees and political asylum on the US–Mexico border at Academic Workshop on March 20.

Participated in Faculty Workshop on March 19.

Gave lectures to four political science classes on human rights: violations of human rights in Central America, the Soviet Union, Bulgaria and on the US–Mexico border; political asylum in the US; and the present situation in Central America. March 17–20, 1992.

National Lawyers Guild Texoma Regional Conference, Austin, Texas. February 8–9, 1992.

Other Activities


Texas Conference of Churches, Border Task Force. February 1991 to present.

Partial Accreditation

An application for a proposed representative's partial accreditation should demonstrate experience in, and knowledge and understanding of

- political asylum applications,
- adjustment of status applications,
- naturalization applications,
- family-based visas petitions,
- consular processing, and

The following is a facsimile of a resume from the representative accreditation application referred to in Application for accreditation: Ayuda, Inc., (BIA 1993). Although full accreditation was disapproved, the BIA did approve partial accreditation.
Proposed Representative
Ayuda Legal Aid
1736 Columbia Rd., N.W.
Washington, D.C. 20009
(202) 387-4848

IMMIGRATION, REFUGEE, ASYLUM LAW EXPERIENCE: January 1991 - PRESENT

I. CASEWORK/CASELOAD


- I-589 for Asylum
- Adjustment of Status
- Suspension of deportation
- Request for Voluntary Departure
- 212(c) Waivers of deportation

B. Cases submitted to the U.S. Immigration and Naturalization Service (INS) and American consulates: Supervise and maintain client files. Interview clients. Prepare INS application. Gather necessary documentation. Submit application to INS. Interpret for clients during interviews with INS.

- I-589 Request for Asylum
- I-485 Adjustment of Status
- I-130 Petition for Alien Relative
- N-400 Application for Naturalization
- Applications for Consular Process
- I-212 Waiver of Prior Deportation
- I-131 Application for Travel Document
- Applications for Immigrant Visas
- I-730 Refugee/Asylee Petition
- I-817 Application for Voluntary Departure under Family Unity
- Other Immigration Forms:
  - Extension of Nonimmigrant Visa (I-539)
  - Application for replacement of I-551 (I-90)
FOIA Requests
Affidavits of Support (I-134)
Request for Employment Authorization (I-765)

II. TRAINING AND CONFERENCES


   - 40 hour training program covering topics: legal research and writing, visas, citizenship and naturalization, political asylum (affirmative & defensive), suspension of deportation, 212(c) waivers, grounds of exclusion and deportation, interviewing skills, and case management.


III. IN-HOUSE TRAINING AND CONTINUING EDUCATION

I participate and attend all in-house training for our volunteers, law student interns, and pro-bono attorneys. Training on Immigration and Asylum law are held each winter, spring, summer, and fall. I have participated in over 9 in-house training sessions teaching classes on immigrant visa procedures, adjustment of status, naturalization, and intake procedures.

I also attend meetings of immigration advocates in the DC area including meetings with the INS District Director of the Arlington and Baltimore District Office, Non-governmental Organizations/INS liaison meetings, National Immigration, Refugee & Citizenship Forum conference calls, Volunteer Organizations/ Arlington Asylum Office meetings, monthly Washington Lawyer’s Committee Immigration Coalition meetings, and several breakfast briefings of the Immigration Policy Project of the Carnegie Endowment for International Peace.
I participate in many outreach programs in the area of immigration law. I participated in forums explaining benefits to many latinos regarding programs such as ABC, TPS, and DED. I have given many informational speeches about visa processing, asylum, and naturalization to community organizations. I have prepared with the help of Ayuda's immigration staff attorneys several training manuals for our volunteers, law student interns, and pro-bono attorneys. I organized and initially draft Ayuda's Guide to Naturalization manual, which is sold to the public. I have also worked with INS in the processing of Deferred Enforced Departure applications at Sacred Heart Church in Washington, DC during the month of June of 1992 and 1993.

IV. SUPERVISION

In addition to my own caseload of approximately 350 cases, I have supervised over 200 volunteers, law student interns, pro-bono attorneys, and paralegal trainees yearly on many cases in the area of immigration law. I also assist in supervising and coordinating the case intake and review procedures at Ayuda Inc. I am the chief supervisor of family-based immigrant visa processing and adjustment of status, and naturalization cases at Ayuda Legal Aid.
Good Moral Character

To demonstrate the proposed representative’s good moral character, the application should include letters of recommendation from the following persons familiar with the proposed representative and her work:

— supervisors,
— lawyers,
— accredited representatives,
— INS officials,
— immigration judges. See Matter of Lutheran Ministries of Florida, Int. Dec. 3132, at 2 (BIA 1990). These letters should also attest to the proposed representative’s immigration law knowledge and experience.

The following is a sample letter of recommendation.
April 20, 1992

Ms. Christine Donley
Board of Immigration Appeals
5107 Leesburg Pike. Suite 2400
Falls Church, Virginia 22041

RE APPLICATION FOR ACCREDITATION OF MARIA THERESA BALDINI AS A REPRESENTATIVE PURSUANT TO 8 C.F.R. SECTION 202.2(d)

Dear Ms. Donley:

I am very pleased to write this letter of recommendation on behalf of Maria Theresa Baldini for approval as an accredited representative. After graduating from the American University Law School, I came to work at Proyecto Libertad in August of 1991 and have been an accredited representative since November 4, 1991. Ms. Baldini has been working with ProBAR, the South Texas Pro Bono Asylum Representation Project, as either a volunteer or a staff member since April of 1991. As the office of ProBAR is located in the same offices as are those of Proyecto Libertad, I have come to know Ms. Baldini quite well. The two organizations work closely together in client representation and advocacy for the rights of immigrants and refugees.

Ms. Baldini has handled countless asylum interviews, prepared supporting documentation for many cases, researched issues for cases on appeal, and witnessed a number of in-court proceedings. Ms. Baldini has received extensive training in immigration proceedings through her experience at ProBAR, Brownsville Canada Asylum Program, seminars and conferences. All of these experiences have qualified Ms. Baldini for effective representation before the Immigration Court, the Board of Appeals, and the Immigration and Naturalization Service.

In my experience with Ms. Baldini's performance, I have observed that she has devoted herself completely to the task of representing ProBAR clients. Due to her hard work, through preparation and understanding of the legal issues, many clients have been granted asylum. Ms. Baldini's assets encompass not only her legal abilities which are of a high quality, but also her honesty, sincerity, and sensitivity to the problems of ProBAR's clients.

10 YEARS IN THE STRUGGLE FOR HUMAN RIGHTS
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Ms. Christine Doniey  
April 20, 1992  
Page 2

I have known Ms. Baldini in both a work environment as well as in a social context and am able to say quite confidently that she is a person of good moral character and that she has a well developed sense of professional responsibility. I recommend her highly for approval as an accredited representative under 8 C.F.R. 192.2(d).

Thank you for considering Ms. Baldini as a candidate to be authorized as an accredited representative. The need in the Rio Grande Valley for more representatives like Ms. Baldini is substantial. If you have any questions or need additional information, please feel free to call me.

Sincerely,

Accredited Representative
Access to Immigration Law Resources

The organization should submit a list of the resources, human and literary, available to the proposed representative in the same manner as it would do in seeking organizational recognition. See pages 10-12. This should include evidence of the expert supervision available to the proposed representative through the organization's staff structure.

Other Evidence

Other evidence attesting to the proposed representative’s overall qualifications and character may also be submitted. These may include the proposed representative’s

___ writing samples,
___ official university transcript, and
___ general resume.

Submitting the Accreditation Application: Overview

Once the accreditation application is complete, it is ready for submission to the BIA. The process leading to a final BIA decision on the proposed representative's application is a multi-step one involving action by the organization, the BIA, and the INS, and is analogous to that for submitting an organization's recognition application. In brief, the process is the following:

___ 1. The organization files the original application with the BIA, and serves a copy on the INS.

___ 2. The INS has thirty days to recommend approval or disapproval by the BIA, or request time to investigate, and must serve a copy of its recommendation on the organization.

___ 3. The organization has thirty days to file with the BIA a response to an INS recommendation to disapprove, and must serve on the INS a copy of that response.

___ 4. If the BIA grants the INS time to investigate, the INS must promptly file the results of its investigation with the BIA, and serve a copy on the organization.

___ 5. If the INS files a report of its investigation, the organization has thirty days to file a response with the BIA, and must serve a copy of the response on the INS.

___ 6. The BIA may approve the application, disapprove the application, or approve in part and disapprove in part. If the BIA disapproves, the organization may reapply for the proposed representative in the future.
For a detailed breakdown of the application submission process, see pages 50-55.

**BIA Approval of the Accreditation Application: Duration and Limitation**

A successful application results in the representative's accreditation. BIA accreditation

___ is valid for a period of three years, and

___ does not permit the representative to represent the alien

___ in the representative's individual capacity, or

___ outside the representative's connection with the organization.

The following is an unpublished BIA decision partially approving a proposed representative accreditation application. (A facsimile of the resume submitted as part of the application is found at pages 34-36 of this manual.) The decision is helpful in that it lays out the qualifications the BIA looks for in deciding whether to approve accreditation applications.
Ayuda, Inc., an organization recognized by the Board under 8 C.F.R. § 292.2(a), has requested full accreditation of as its representative under 8 C.F.R. § 292.2(d). The application will be approved in part and disapproved in part.

An application for accreditation must fully set forth the nature and extent of the proposed representative's experience and knowledge of immigration and naturalization law and procedure and the category of accreditation sought.

An application for accreditation should be filed directly with the Board, along with proof of service of a copy of the application on the district director having jurisdiction over the area in which the applicant is located. The district director, within 30 days from the date of service, is required to submit a recommendation to the Board for approval or disapproval of the application and the reasons therefor, or request a specified period of time in which to conduct an investigation regarding the application.

In the present case, the applicant requests that be accredited to practice before the Service as well as the immigration judges and this Board. The district director recommends approval of the petition for accreditation to practice before the Service. However, the district director recommends that the petition be denied insofar as it requests accreditation to practice before the immigration judges and
Application for accreditation: Ayuda, Inc.

This board on the ground that the proposed representative has not demonstrated adequate expertise for practice before the immigration court, and in particular in the area of criminal alien representation.

In support of this request, the applicant has submitted a summary of the proposed representative's qualifications, experience and good moral character, the proposed representative's resume, copies of training seminars attended, certificates of course completion and appreciation, and letters of recommendation.

After reviewing the application, we are satisfied that the proposed representative is qualified to represent the applicant's clients in practice before the Service. We conclude, therefore, that at least partial accreditation is warranted. However, although the proposed representative has a sufficient background to warrant partial accreditation, we are not satisfied that the applicant has established that full accreditation is warranted.

We have not adopted a rigid standard for determining whether a proposed representative is qualified to practice before the immigration judges and this Board. We evaluate each individual's education, training, and experience on a case-by-case basis. In view of the nature of the privilege sought, there must be a clear showing of adequate skills. A person who has been accorded full accreditation can represent individuals in very significant proceedings without any further permission from an immigration judge or this Board. For instance, she would be able to represent aliens in exclusion and deportation proceedings.

Based on the record before us, we must be able to determine whether the proposed representative has acquired a working knowledge of the procedures for practice before the immigration judges and this Board; whether she understands the exclusion grounds in section 212 of the Immigration and Nationality Act, 8 U.S.C. § 1182, or the various waivers which are available to aliens in exclusion proceedings; whether she understands the deportation grounds which are set out in section 241 of the Act, 8 U.S.C. § 1251, or the various forms of relief from deportation; and whether she is aware of the relevant federal case law in this area or of the basic precedent decisions that the Board has rendered.

Moreover, the information presented must establish that the proposed representative has the skills which are essential for effective litigation. This would include such things as the
Application for accreditation: Ayuda, Inc.

ability to do the research necessary to evaluate a client's legal position; the ability to advocate a client's position at a hearing by presenting documentary evidence and questioning witnesses; and the ability to write a legal brief.

In the case before us, the applicant has not provided sufficient information and documentation to establish that the proposed representative has the requisite immigration background to warrant full accreditation. The materials submitted by the applicant show that the proposed representative has substantial experience in immigration matters and has successfully completed various seminars and conferences. However, we are not persuaded that the proposed representative has the requisite training or experience under the supervision of an attorney or fully accredited representative in the intricacies of litigation in immigration court. We note, for instance that the proposed representative completed a training program with the Immigrant Legal Resource Center in 1992. However, we also note that the Immigrant Legal Resource Center also offers a specialized 3-day course on deportation hearing skills for those who wish to practice in immigration court. There is no evidence that the proposed representative has attended a course of that nature. For these reasons, and in light of the applicant's lack of response to the district director's recommendation, we conclude that while accreditation to practice before the Service is warranted, full accreditation is not warranted on the basis of the information before us at this time.

This decision is without prejudice to the submission of a new application based upon additional information, including successful completion of additional training.

We emphasize that the accreditation of a representative is valid for 3 years only. Renewal may be sought by making application in the same manner as for an initial accreditation. The renewal application should be filed with the Board at least 60 days before the expiration date of the representative's accreditation.

Accreditation terminates when the Board's recognition of the organization ceases for any reason or when the representative's employment or other connection with the organization ceases. The organization shall promptly notify the Board of such changes.

Accordingly, the following orders will be entered.
Application for accreditation: Ayuda, Inc.

ORDER: The application for accreditation of the proposed representative for appearances before the Service is approved.

FURTHER ORDER: The application for accreditation of the proposed representative for appearances before the immigration judges and this Board is disapproved.

[Signature]
FOR THE BOARD
Renewal of Accreditation

An organization must request renewal of its representative's accreditation at least 60 days before the third anniversary of the date of accreditation. 8 C.F.R. § 292.2(d). An untimely renewal request will not be considered. See Matter of Florida Rural Legal Services, Inc., Int. Dec. 3196, at 2 (BIA 1993). The INS suggests that the renewal application include

- a statement setting forth the proposed representative's additional training since prior accreditation, and
- a statement setting forth the proposed representative's experience in immigration practice gained since prior accreditation.

A representative's accreditation remains valid pending BIA consideration of the renewal application.

Termination of Accreditation

A representative's accreditation terminates with

- the termination of the representative's employment or connection with the organization, of which the organization must promptly notify the BIA, or
- the termination of the organization's recognition. 8 C.F.R. 292.2(d).

Disciplinary Action

An accredited representative who engages in any of the prohibited behaviors listed at 8 C.F.R. § 292.3(a) may be suspended or barred from further practice before the Department of Justice by an immigration judge, the BIA, or the Attorney General. These prohibited behaviors include

- receiving any direct or indirect compensation for services rendered, except the regular compensation of the organization itself (8 C.F.R. 292.3(a)(1)),
- bribing or coercing a party to a case, an officer of the INS, or a member of the BIA in connection with a case, or attempting to do so (8 C.F.R. 292.3(a)(2)),
- willfully misleading a Department of Justice official "concerning a material or relevant fact in connection with a case" (8 C.F.R. 292.3(a)(3)),
- willfully deceiving, misleading, or threatening "any party to a case relating to any matter relating to the case" (8 C.F.R. 292.3(a)(4)),
- willfully making false and material statements concerning qualifications to represent others in a case (8 C.F.R. 292.3(a)(10)), or
- engaging in frivolous behavior in a proceeding before an immigration judge or the
BIA. 8 C.F.R. 292.3(a)(15). Frivolous behavior consists of actions the representative knows or reasonably should have known "lack an arguable basis in law or in fact, or are taken for an improper purpose, such as to cause unnecessary delay." 8 C.F.R. 292.3(a)(15)(i). These actions, if taken for an improper purpose, include the making of a factual or legal argument, or the filing of a motion or an appeal. Id.

Procedure

The process leading to the disciplining of an accredited representative is as follows:

1. The INS investigates complaints regarding the conduct of accredited representatives practicing before the INS or the EOIR. 8 C.F.R. § 292.3(b)(i).

2. If the INS decides a representative should be disciplined, it serves a written copy of charges upon the representative. 8 C.F.R. § 292.3(b)(ii).

3. The representative must file a written answer with the Office of the Chief Immigration Judge within 30 days, and must serve a copy of the answer on the INS General Counsel. Failure to answer is an admission. 8 C.F.R. § 292.3(b)(iii).

4. An immigration judge hears the charges. The accredited representative may present evidence at the hearing, and appeal any decision of the immigration judge to the BIA. 8 C.F.R. § 292.3(b)(iv)-(vi).

Burden of Proof

In a hearing before an immigration judge to determine whether an accredited representative should be disciplined for behavior prohibited in 8 C.F.R. § 292.3(a), the INS "shall bear the burden of proving the grounds for disciplinary action by clear, convincing, and unequivocal evidence." 8 C.F.R. § 292.3(b)(iv).
Special Procedures for Organizations with Branch Offices

Organizations with several offices must follow special procedures to gain and preserve their own recognition and their representatives’ accreditation status. Failure to follow these procedures can result in decertification of an organization’s entire operation.

Recognizing Branch Offices

If the organization seeks recognition for its physically separate branch offices, it must submit a separate application for each office. Each office must have separate and independent access to knowledge, expertise, and experience in immigration law and procedure. The applications should also set forth the relationship between the parent and branch offices. Matter of Florida Rural Legal Services, Inc., Int. Dec. 3196, at 2, 3 (BIA 1993).

Accrediting Branch Office Representatives

If the organization seeking accreditation of its proposed representatives has branch offices, the representatives’ accreditation application must clearly reflect at which office the proposed representatives will work. The designated branch office must be separately recognized in order for the proposed representatives to receive accreditation. An otherwise qualified proposed representative will not be accredited if the branch office to which the representative is assigned is not separately recognized. See id., at 3.

Withdrawal of Organizational Recognition and Unauthorized Practice of Law Rules

An organization that fails to follow these procedures can have its recognition withdrawn by the BIA. Normally, only those branch offices and representatives whose recognition and accreditation have lapsed will be unable to appear before the DOJ. However, more drastic consequences can befall an organization whose failure to maintain the qualifications of recognition results in violations of state unauthorized practice of law rules.

An organization that fails to comply with all recognition qualifications procedures may be cited for the unauthorized practice of law under state rules by a state’s own unauthorized practice of law committee. To comply with state unauthorized practice of law rules, the organization would have to seek proper recognition by the BIA. This procedure of recertification can take months, during which time the entire organization may be unable to offer legal services at any of its offices. Even an organization that has been long
recognized by the BIA, and that provides quality, competent legal services, may be
prevented from offering services by a state rules committee if any of its branch offices, or
the staff at such branch offices, fails to maintain the requirements of recognition. To avoid
this result, the organization should take special care to see that

— all branch offices are separately recognized,
— those branches that are not recognized do not offer legal services,
— recognition for new branch offices is secured before those offices open for service,
— all organization personnel offering legal services are accredited representatives, or
otherwise qualified to offer legal services (e.g. lawyers, law students, law school
graduates, etc.),
— all accredited representatives are attached to a recognized branch office,
— all applications for renewal of representative accreditation are filed on a timely basis.
Detailed Submission Procedure for Organizational Recognition and Representative Accreditation Applications

The following is a detailed breakdown of the application submission process.

Filing

After preparing the application, the organization must
____ file a copy of the application with the local INS district director, and
____ file the original application with the BIA, along with proof of service on the INS.

BIA Action

The BIA faces no deadline to make a decision on the application. A decision may take from six weeks to a year from the date of submission, although the average time is six months. The time period may be shortened by a detailed application, the social service organization's favorable reputation within the INS or EOIR, letters of recommendation from prestigious and reputable sources, a pronounced and well-known lack of legal representation for indigent immigrants in the area of the social service organization's operation, or affiliation with local or state bars or professional organizations such as the American Bar Association or the American Immigration Lawyers' Association. The more quickly the local INS district director acts on the application, the more quickly the BIA is likely to take action on it. The BIA must notify the organization of any action it takes with regard to the application.

Normally, the BIA will wait to make a decision until the INS responds to the application. If the BIA, as it may under the regulations
____ does not act on the application immediately, go to "INS Action," page 51.
____ approves an application for organizational recognition, go to "BIA Approval," page 22.
____ approves an application for representative accreditation, go to page 41.
____ disapproves a recognition application, or disapproves an accreditation application in whole or in part, go to "BIA Disapproval of Application in Whole or Part," page 55.
____ grants an INS request for time to investigate, or remands the application to the INS for further information, go to "INS Investigation," page 55.
INS Action

Once the INS receives its copy of the application, it has 30 days to respond, and must serve a copy of its response on the organization. Normally, the INS simply holds on to the application for up to 30 days, then forwards it to the BIA. If the INS does take more action than that, and

___ recommends that the BIA approve the application, go to "BIA Response to INS Recommendation to Approve," page 54.

___ recommends that the BIA disapprove the application, or in the case of an accreditation application, disapprove in part, go to "Organization Response to INS Recommendation to Disapprove in Whole or Part," page 54.

___ requests time from the BIA to conduct an investigation of the organization, go to "INS Investigation," page 55.

The following is an example of an INS response to an accreditation application, recommending approval in part and disapproval in part.
September 3, 1993

David L. Mihollan
Chairman
Board of Immigration Appeals
5107 Leesburg Pike, Suite 2400
Falls Church, VA 22041

Re:
Application for Full Accreditation as a Representative

Dear Mr. Mihollan:

On July 27, 1993, the Washington District Office received a request from Ayuda, Inc., an accredited organization with the BIA, for full accreditation of as a representative pursuant to 8 C.F.R. 292.2(d).

A review of Ms.'s resume, references and training program participation leaves no doubt that she is qualified to practice before the Immigration and Naturalization Service. I myself have presented Ms. several certificates of recognition for her service to the immigration community. However, I feel constrained to withhold my endorsement of Ms. for full accreditation before the Board of Immigration Appeals and the Immigration Court, because Ms. has not had sufficient exposure or training in the area of criminal law in the immigration context for the purposes of conducting contested deportation or waiver of excludability hearings for a criminal respondents.

Therefore, I would propose that Ms. be accredited before the Immigration Service for a year, and, during that time she will gain first-hand experience working in that forum solely on her own, while at the same time participating in training related to the ever-growing and increasingly complex area of criminal immigration law. Then, next year when Ayuda applies for renewal of the accreditation, Ms. can bring her resume up to date with her training in criminal immigration law. At that time, I can determine if I will support full accreditation.
I would like Ms. to know that the Immigration and Naturalization Service appreciates her work and contributions thus far. She is offering an important service to the community in the District of Columbia and Virginia. I do not wish to discourage her by supporting only accreditation before the Service. I do encourage her to perfect her knowledge of criminal law so that she may attain full accreditation before the Service, the BIA and Immigration Court in the near future.

If there are any questions regarding our position on this application, please contact me or the Assistant District Counsel, Gaylyn N. Boone, on 202-307-1579.

Sincerely,

William J. Carroll
District Director
BIA Response to INS Recommendation to Approve

The BIA’s decision does not depend on the INS recommendation. Regardless of the INS recommendation, the BIA may approve the application, disapprove the application, or, in the case of an accreditation application, approve the application in part and disapprove in part. See 8 C.F.R. 292.2(b),(d). If the BIA

---

approves an application for organizational recognition, go to "BIA Approval," page 22.

---

disapproves an application for representative accreditation, go to page 41.

---

disapproves a recognition application, or disapproves an accreditation application in whole or in part, go to "BIA Disapproval of Application in Whole or Part," page 55.

Organization Response to INS Recommendation to Disapprove in Whole or Part

The BIA will not necessarily follow an INS recommendation to disapprove an application in whole or in part. If the INS recommends that the BIA disapprove the application in whole or in part, the organization should try to convince the BIA otherwise. The organization

---

has 30 days to respond to the INS recommendation,

---

must serve a copy of the response on the INS,

---

must file the original response with the BIA, and

---

must file with the original proof of service on the INS.

The organization can treat its response as a supplementary application. The response should

---

specifically address the INS’ reasons for recommending disapproval in whole or in part, and

---

offer to resolve the concerns of the INS, if possible, rather than simply rebut them.

NOTE: This can be an extremely important step. The BIA considers an organization’s responses to the INS recommendation when rendering its decision. Application for accreditation: Ayuda, Inc., at 3 (BIA 1993) (at page 44 of this manual). These responses act as supplements to an application. An organization may not supplement an application already disapproved by the BIA, rather, it must submit an entirely new application. To avoid the inconvenience and delay of assembling a new application, the organization should make every effort to gain application approval on the first try.
INS Investigation

If the BIA decides to have the INS investigate the organization, the INS must promptly forward the results of any investigation or inquiry to the BIA, include with the report of its investigation recommendations for approval or disapproval of the application, reasons for the recommendation, and proof of service of a copy of the submission on the organization, and serve a copy of the submission on the organization.

Once the INS submits to the BIA the results of its investigation or inquiry, the organization has 30 days in which to respond to any matters raised by the INS, must serve a copy of its response on the INS, must file the original response with the BIA, and must include with the BIA’s copy proof of service on the INS of the copy of its response.

Other BIA Actions

Filing Extensions: The BIA may extend application filing times in response to written requests for such extensions accompanied by reasons for the request. 8 C.F.R. § 292.2(b), (d).

Oral Argument: The BIA may hear oral argument in its discretion at such date and time as it directs. 8 C.F.R. § 292.2(b), (d).

BIA Disapproval of Application in Whole or Part

If the BIA disapproves the application for the organization’s recognition, or disapproves the application for the proposed representative’s accreditation in whole or in part, the organization may submit a new application when and if it resolves the BIA’s concerns. The organization must submit an entirely new application, as there exists no mechanism through which an organization may supplement an old application. See Matter of Lutheran Ministries of Florida, Int. Dec. 3132, at 3 (BIA 1990).

If the organization submits both its own and the proposed representative’s application at the same time, the BIA may approve the recognition portion of the application and disapprove the accreditation portion in whole or in part. However, if the BIA disapproves the recognition portion of the application, it will not consider the accreditation portion. Id.
PART 2:

ENTERING IMMIGRATION APPEARANCES
Introduction: Right to Counsel

The immigration laws and regulations of the United States give an alien the right to counsel in proceedings before the United States Government. In general, an alien may be represented by counsel

— of her choice,
— at no cost to the Government,
— in proceedings before an immigration judge,
— in appeals to the BIA,
— during INS examinations,
— except during inspections at airports, seaports, and other ports of entry. See INA § 292, 8 C.F.R. § 292.5(b).

The term counsel refers to persons who may provide legal representation to an alien, and includes, among others

— attorneys,
— law students,
— law school graduates not yet admitted to the bar,
— accredited representatives of accredited organizations, and
— other reputable individuals. See 8 C.F.R. § 292(a).

Section 292 of the Immigration and Nationality Act (INA), and 8 C.F.R. §§ 292 and 1.1(f) provide the only avenues through which persons may represent aliens in immigration proceedings. See Matter of Elly Velez Pamatong, 17 I & N Dec. 175 (BIA 1979). The sections that follow describe the eligibility requirements and appearance procedures for each of the above categories of lawyers and nonlawyers. Section 292 permits appearances by other persons in contexts that are not relevant to this manual.
Accredited Representative Appearances:
8 C.F.R. § 292.1(a)(4)

Eligibility

A person who is not an attorney, law student or law school graduate may nevertheless represent an alien if the person is a BIA accredited representative of an organization recognized by the BIA. To receive accreditation, a proposed representative must

— have experience and knowledge of immigration law and procedure, and
— be of good moral character. See 8 C.F.R. §§ 292.1(a)(4), 292.2(d); Part 1 of this manual.

Entering An Appearance

In order to enter an appearance on behalf of an alien, the accredited representative must file a notice of appearance consisting of

— Form G-28 (blue) if appearing before the INS,
— Form EOIR-28 (green) if appearing before an immigration judge, or
— Form EOIR-27 (yellow) if appearing before the BIA.

The following are samples of an accredited representative’s G-28, EOIR-28, and EOIR-27.
NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE

In re: [Name of Client] 

DATE 11/1/93

FILE No. A# OF CLIENT

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

NAME OF CLIENT

NAME

ADDRESS

Apt. No. (Number & Street) (City) (State) (ZIP Code)

Check Applicable Item(s) below:

☐ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia

[Signature]

(Name of Court)

and am not under a court or administrative agency order suspending, entailing, restraining, disbarring, or otherwise restricting me in practicing law.

☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

NAME OF SOCIAL SERVICE ORGANIZATION

☐ 3. I am associated with the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

☐ 4. Others (Explain fully.)

SIGNATURE

SIGNATURE OF ACCREDITED REPRESENTATIVE

COMPLETE ADDRESS

ADDRESS OF SOCIAL SERVICE ORGANIZATION

NAME (Type or Print)

NAME OF ACCREDITED REPRESENTATIVE

TELEPHONE NUMBER

TELEPHONE OF SOCIAL SERVICE ORGANIZATION

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

(Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSE IS IN CONNECTION WITH THE FOLLOWING MATTER:

NAME OF PERSON CONSENTING

SIGNATURE OF PERSON CONSENTING

DATE

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

Form G-28

(Revised 10-25-79)

(Over)

UNITED STATES DEPARTMENT OF JUSTICE
(Immigration and Naturalization Service)


61
NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE
BEFORE THE OFFICE OF THE IMMIGRATION JUDGE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

<table>
<thead>
<tr>
<th>TYPE OF PROCEEDING FOR WHICH I AM ENTERING AN APPEARANCE:</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>check only one:</td>
<td>11/1/93</td>
</tr>
<tr>
<td>Exclusion</td>
<td>ALIEN NUMBER list lead alien</td>
</tr>
<tr>
<td>Motion to Reopen/Reconsider</td>
<td>number and all family member alien</td>
</tr>
<tr>
<td>Other</td>
<td>numbers if applicable</td>
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</tbody>
</table>

I hereby enter my appearance as attorney (or representative) for and at the request of the following named person(s):

<table>
<thead>
<tr>
<th>NAME</th>
<th>NAME OF CLIENT</th>
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<tbody>
<tr>
<td>A</td>
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</table>

ADDRESS

<table>
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<tr>
<th>ADDRESS OF CLIENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Apt. No.)</td>
</tr>
</tbody>
</table>

ADDRESS OF CLIENT

Check if Applicable item(s) below:

☐ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia and am not under a court or administrative agency order suspending, enjoining, disbarring, or otherwise restricting me in practicing law.

☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

NAME OF SOCIAL SERVICE ORGANIZATION

☐ 3. I am associated with the attorney of record who previously filed a notice of appearance in this case and my appearance is at his/her request.

(If you check this item, also check item 1 or 2 whichever is appropriate.)

☐ 4. Other (Explain fully.)

SIGNATURE

SIGNATURE OF ACCREDITED REPRESENTATIVE

COMPLETE ADDRESS ☐ Check here if this is a new address

ADDRESS OF SOCIAL SERVICE ORGANIZATION

NAME (Type or print)

NAME OF ACCREDITED REPRESENTATIVE

TELEPHONE NUMBER

TELEPHONE OF SOCIAL SERVICE ORGANIZATION

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO REPRESENTATION BY AND THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY EOIR SYSTEM OF RECORDS:

(Name of Attorney or Representative)

NAME OF PERSON CONSENTING

SIGNATURE OF PERSON CONSENTING

DATE

( NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is or claims to be a citizen of the United States or an alien lawfully admitted for permanent residence.)
NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE
BEFORE THE BOARD OF IMMIGRATION APPEALS
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

In the Matter:

DATE

11/1/93

ALIEN NUMBER (list lead alien number and all family member alien numbers if applicable)

A — —
A — —
A — —

NAME OF CLIENT

ADDRESS

(Apt. No.)

(Number & Street)

(City)

(State)

(Zip Code)

ADDRESS OF CLIENT

Check if Applicable Item(s) below:

☐ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia and am not under a court or administrative agency order suspending, enjoining, disbarring, or otherwise restricting me in practicing law.

(Name of Court)

☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

NAME OF SOCIAL SERVICE ORGANIZATION

☐ 3. I am associated with, the attorney of record who previously filed a notice of appearance in this case and my appearance is at his/her request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

☐ 4. Other (Explain fully.)

SIGNATURE

COMPLETE ADDRESS ☐ Check here if this is a new address

SIGNATURE OF ACCREDITED REPRESENTATIVE

ADDRESS OF SOCIAL SERVICE ORGANIZATION

NAME (Type or print)

TELEPHONE NUMBER

NAME OF ACCREDITED REPRESENTATIVE

TELEPHONE OF SOCIAL SERVICE ORGANIZATION

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO REPRESENTATION BY AND THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY EOIR SYSTEM OF RECORDS:

(NAME OF ATTORNEY OR REPRESENTATIVE)

NAME OF PERSON CONSENTING

SIGNATURE OF PERSON CONSENTING

DATE

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is or claims to be a citizen of the United States or an alien lawfully admitted for permanent residence.)
Attorney Appearances: 8 C.F.R. § 292.1(a)(1)

Eligibility

An attorney may represent an alien if the attorney
   is a bar member in good standing of the highest court of any State or territory of the
   United States, and
   is not restricted in the practice of law by court order. 8 C.F.R. §§ 292.1(a)(1), 1.1(f).

Entering An Appearance

In order to enter an appearance on behalf of an alien, the attorney must file a Notice
of Entry of Appearance consisting of
   Form G-28 (blue) if appearing before the INS,
   Form EOIR-28 (green) if appearing before an immigration judge, or
   Form EOIR-27 (yellow) if appearing before the BIA.

The following are samples of forms G-28, EOIR-28, and EOIR-27.
NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE

In re: NAME OF CLIENT

DATE 11/1/93

FILE No. NAME OF CLIENT

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

NAME
NAME OF CLIENT

ADDRESS Apt. No. (Number & Street) (City) (State) (ZIP Code)

Check Applicable Item(s) below:

☐ I am an attorney and a member in good standing of the bar or the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia and am not under a court or administrative agency order suspending, enjoining, restraining, disbarment, or otherwise restricting me in practicing law.

☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

☐ 3. I am associated with the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

☐ 4. Others (Explain fully.)

SIGNATURE
SIGNATURE OF ATTORNEY

COMPLETE ADDRESS
ADDRESS OF ATTORNEY

NAME (Type or Print)
NAME OF ATTORNEY

TELEPHONE NUMBER
TELEPHONE OF ATTORNEY

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

(Original or Representative)

THE ABOVE CONSENT TO DISCLOSE IS IN CONNECTION WITH THE FOLLOWING MATTER:

NAME OF PERSON CONSENTING

SIGNATURE OF PERSON CONSENTING

DATE

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

Form G-28
(Rev.10-25-79)N

(OVER) UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE
BEFORE THE OFFICE OF THE IMMIGRATION JUDGE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

TYPE OF PROCEEDING FOR WHICH I AM ENTERING AN APPEARANCE:
(check only one)
moil Exclusion
Deportation (including Bond
Redeterminations)

DATE 11/1/93

ALIEN NUMBER Dist. Lead alien
number and all family member alien
numbers if applicable

NAME OF CLIENT

ADDRESS (Apt. No.) (Number & Street) (City) (State) (Zip Code)

ADDRESS OF CLIENT

Check if Applicable Item(s) below:

☐ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia and am not under a court or administrative agency order suspending, enjoining, disbarring, or otherwise restricting me in practicing law.

☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

☐ 3. I am associated with the attorney of record who previously filed a notice of appearance in this case and my appearance is at his/her request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

☐ 4. Other (Explain fully):

SIGNATURE

SIGNATURE OF ATTORNEY

COMPLETE ADDRESS Check here if this is a new address

ADDRESS OF ATTORNEY

NAME (Type or print)

NAME OF ATTORNEY

TELEPHONE NUMBER

TELEPHONE OF ATTORNEY

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO REPRESENTATION BY AND THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY EOIR SYSTEM OF RECORDS:

(Name of Attorney or Representative)

NAME OF PERSON CONSENTING

SIGNATURE OF PERSON CONSENTING

DATE

NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is or claims to be a citizen of the United States or an alien lawfully admitted for permanent residence.)
NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE
BEFORE THE BOARD OF IMMIGRATION APPEALS
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

In the Matter: 

<table>
<thead>
<tr>
<th>NAME OF CLIENT</th>
<th>DATE</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>11/1/93</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ALIEN NUMBER (list last alien number and all family member alien numbers if applicable)</th>
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<tr>
<td>A — — —</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

ADDRESS OF CLIENT

Check if Applicable Items below:

1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia and am not under a court or administrative agency order suspending, enjoining, disbarring, or otherwise restricting me in practicing law.

2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

3. I am associated with the attorney of record who previously filed a notice of appearance in this case and my appearance is at his/her request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

4. Other (Explain fully)

SIGNATURE

<table>
<thead>
<tr>
<th>COMPLETE ADDRESS</th>
<th>Check here if this is a new address</th>
</tr>
</thead>
</table>

SIGNATURE OF ATTORNEY

ADDRESS OF ATTORNEY

NAME (Type or print)

TELEPHONE NUMBER

NAME OF ATTORNEY

TELEPHONE OF ATTORNEY

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO REPRESENTATION BY AND THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY EOIR SYSTEM OF RECORDS:

<table>
<thead>
<tr>
<th>(Name of Attorney or Representative)</th>
<th>SIGNATURE OF PERSON CONSENTING</th>
<th>DATE</th>
</tr>
</thead>
</table>

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is or claims to be a citizen of the United States or an alien lawfully admitted for permanent residence.)

FPI-RBK-9/91

FORM EOIR-27

JAN. 89

67
Law Student Appearances: 8 C.F.R. § 292.1(a)(2)

Eligibility

A law student may represent an alien if the student

__ is enrolled in a law school accredited in the United States (8 C.F.R. § 292.1(a)(2)),

__ appears at the alien's request on an individual case basis (8 C.F.R. § 292.1(a)(2)(i)), and

__ is permitted to appear by the official before whom the student wishes to appear, such as an INS officer or an immigration judge. 8 C.F.R. § 292.1(a)(2)(iv). Permission to appear may be obtained verbally at the time of the appearance, or by submitting a written request, depending on the practice of the particular official.

Entering An Appearance

Law Student Statement

In order to enter an appearance on behalf of an alien, the law student must file a statement that the student

__ is under the direct supervision of an attorney or faculty member (The official may require that a supervising attorney or faculty member accompany the student. 8 C.F.R. § 292.1(a)(2)(iv)),

__ participates in a legal aid program or clinic conducted by the law school (8 C.F.R. § 292.1(a)(2)(ii)), and

__ appears without direct or indirect remuneration (8 C.F.R. § 292.1(a)(2)(ii)).

NOTE: Some immigration judges request that the law school student statement declare that the student appears at the alien's request, and is enrolled in a law school accredited in the United States, even though the regulations do not specifically require those declarations.

Notice of Entry of Appearance and Other Forms

INS Appearances

When appearing before the INS, in addition to the law school student statement, the student

__ should submit a letter explaining that the student is appearing pursuant to 8 C.F.R. § 292, and is under the supervision of a lawyer, and

__ must submit a Form G-28 (blue) signed by both the student and the supervising
attorney.

The following are samples of a letter to the INS, and a G-28.

DATE

NAME AND TITLE OF INS OFFICIAL
ADDRESS CITY, STATE ZIP CODE

DEAR INS OFFICIAL:

I am respectfully requesting that pursuant to 8 C.F.R. § 292(a)(2)(iv) you permit (NAME OF LAW SCHOOL STUDENT) to appear before you, representing clients of (NAME OF LAW SCHOOL CLINIC), accompanied by attorneys of (NAME OF LAW SCHOOL CLINIC). (NAME OF LAW SCHOOL STUDENT) is a student at (NAME OF LAW SCHOOL), and participates in (NAME OF LAW SCHOOL CLINIC) as a student attorney. She appears at the request of (NAME OF CLIENT), receives no direct or indirect remuneration, and is working under my supervision.

Your favorable consideration of this request would be greatly appreciated.

Respectfully,

NAME OF SUPERVISING ATTORNEY
NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE

In re:
NAME OF CLIENT

DATE 11/1/93
FILE No.

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

<table>
<thead>
<tr>
<th>NAME OF CLIENT</th>
<th>Petitioner</th>
<th>Beneficiary</th>
<th>Applicant</th>
</tr>
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<tbody>
<tr>
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<td>(City)</td>
<td>(State)</td>
</tr>
</tbody>
</table>

Check Applicable Item(s) below:

☐ 1. I am an attorney and a member in good standing of the bar or the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia and am not under a court or administrative agency order suspending, enjoining, restraining, disbarring, or otherwise restricting me in practicing law.

☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

☐ 3. I am associated with the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

☐ 4. Others (Explain fully.) I am a third year law student enrolled at (NAME OF LAW SCHOOL), a law school accredited in the United States, participating in (NAME OF LAW SCHOOL CLINIC), under the direct supervision of (NAME OF SUPERVISING ATTORNEY), Esq., and appear without direct or indirect remuneration.

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>COMPLETE ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIGNATURE OF SUPERVISING ATTORNEY</td>
<td>ADDRESS OF LAW SCHOOL CLINIC</td>
</tr>
</tbody>
</table>

| SIGNATURE OF LAW SCHOOL STUDENT |
| NAME (Type or Print) |
| NAMES OF SUPERVISING ATTORNEY |
| TELEPHONE NUMBER |
| AND LAW SCHOOL STUDENT |
| TELEPHONE OF LAW SCHOOL CLINIC |

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

(Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSE IS IN CONNECTION WITH THE FOLLOWING MATTER:

<table>
<thead>
<tr>
<th>NAME OF PERSON CONSENTING</th>
<th>SIGNATURE OF PERSON CONSENTING</th>
<th>DATE</th>
</tr>
</thead>
</table>

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)
Immigration Court Appearances

When appearing before an immigration judge, in addition to the law school student statement, the student
should submit a Proposed Order Permitting Law Student To Appear Before the Court, and
must submit a Form EOIR-28 (green) signed by both the student and the supervising attorney.

The following are samples of a Law Student Statement, a proposed Order Permitting Law Student To Appear Before The Court, and an EOIR-28.

LAW STUDENT'S STATEMENT

I hereby submit the following statement In Support Of The Attached Motion To Permit Law Student Intern To Appear Before The Court:

1. I am a _______ year law student enrolled at (NAME OF LAW SCHOOL), an accredited law school, participating in (NAME OF LAWSCHOOL CLINIC).

2. I am participating under the direct supervision of (NAME OF SUPERVISING ATTORNEY), an attorney (or faculty member) on the staff of (NAME OF LAWSCHOOL CLINIC).

3. I am appearing without direct or indirect remuneration from the respondent.

4. I am appearing at the request of the respondent.

Date: ________________________________

(LAW STUDENT'S SIGNATURE)
(LAW STUDENT'S PRINTED NAME)
Law Student
In the Matter of: (NAME OF CLIENT) :  
:  
:  
File No. A________

Respondent, in ____________________________ :  
Proceedings. :  

ORDER PERMITTING LAW STUDENT TO APPEAR BEFORE THE COURT

Counsel for (NAME OF LAWSCHOOL CLINIC) has submitted a motion to Permit Law Student Intern To Appear Before the Court, supported by a Law Student's Statement. The law student appears qualified under the regulations, and the INS does not oppose the motion.

Therefore,

IT IS ORDERED that ____________________________ is hereby permitted to appear before this court on behalf of the respondent in the above captioned case.

Date: ________________________________

____________________________________  
Immigration Judge
NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE
BEFORE THE OFFICE OF THE IMMIGRATION JUDGE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

TYPE OF PROCEEDING FOR WHICH I AM ENTERING AN APPEARANCE.
check only one:
X Exclusion
Motion to Reopen/Reconsider
Redetermination
Other

I hereby enter my appearance as attorney for representative of and at the request of the following named person(s):

NAME

NAME OF CLIENT

ADDRESS
(Apt. No.)
(Number & Street)
(City)
(State)
(Zip Code)

ADDRESS OF CLIENT

Check if Applicable Item(s) below:

☐ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia and am not under a court or administrative agency order suspending, censuring, disbarment, or otherwise restricting me in practicing law.

☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

☐ 3. I am associated with , the attorney of record who previously filed a notice of appearance in this case and my appearance is at his/her request.

☐ 4. Other (Explain fully.) I am a third year student enrolled at (NAME OF LAW SCHOOL), a law school accredited in the United States, participating in (NAME OF LAW SCHOOL CLINIC), under the direct supervision of (NAME OF SUPERVISING ATTORNEY), Esq., and appear without direct or indirect remuneration.

SIGNATURE

SIGNATURE OF SUPERVISING ATTORNEY

COMPLETE ADDRESS

ADDRESS OF LAW SCHOOL CLINIC

SIGNATURE OF LAW SCHOOL STUDENT

NAME (Type or print)

NAME OF SUPERVISING ATTORNEY

TELEPHONE NUMBER

NAME OF LAW SCHOOL STUDENT

TELEPHONE OF LAW SCHOOL CLINIC

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO REPRESENTATION BY AND THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY EOIR SYSTEM OF RECORDS:

(NAME of Attorney or Representative)

NAME OF PERSON CONSENTING

SIGNATURE OF PERSON CONSENTING

DATE

NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is or claims to be a citizen of the United States or an alien lawfully admitted for permanent residence.

FORM EOIR-21

JAN. 89
Board of Immigration Appeals Appearances

When appearing before the BIA, the law student must submit with the law school student statement
___ a Form EOIR-27 (yellow) signed by both the student and the supervising attorney.

The following is a sample EOIR-27.
NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE
BEFORE THE BOARD OF IMMIGRATION APPEALS
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

In the Matter:

NAME OF CLIENT

DATE 11/1/93

ALIEN NUMBER (list lea alien number and all family members alien numbers if applicable)

NAME

ADDRESS

(Apt. No.) (Number & Street) (City) (State) (Zip Code)

ADDRESS OF CLIENT

Check if Applicable Item(s) below:

☒ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia and am not under a court or administrative agency order suspending, enjoining, disbarring, or otherwise restricting me in practicing law.

☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

☐ 3. I am associated with __________, the attorney of record who previously filed a notice of appearance in this case and my appearance is at his/her request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

☒ 4. Other (Explain fully) I am a third year law student enrolled at (NAME OF LAW SCHOOL), a law school accredited in the United States, participating in (NAME OF LAW SCHOOL CLINIC), under the direct supervision of (NAME OF SUPERVISING ATTORNEY), Esq., and appear without direct or indirect remuneration.

SIGNATURE SIGNATURE OF SUPERVISING ATTORNEY

SIGNATURE OF LAW SCHOOL STUDENT

COMPLETE ADDRESS □ Check here if this is a new address

ADDRESS OF LAW SCHOOL CLINIC

NAME (Type or print)

NAME OF SUPERVISING ATTORNEY

NAME OF LAW SCHOOL STUDENT

TELEPHONE NUMBER

TELEPHONE OF LAW SCHOOL CLINIC

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO REPRESENTATION BY AND THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY EOIR SYSTEM OF RECORDS:

(NAME of Attorney or Representative)

NAME OF PERSON CONSENTING

SIGNATURE OF PERSON CONSENTING

DATE

(Note: Execution of this box is required under the Privacy Act of 1974 where the person being represented is or claims to be a citizen of the United States or an alien lawfully admitted for permanent residence.)

FIRBK-891

FORM EOIR-27
VAN 89

75
Law School Graduate Appearances: 8 C.F.R. § 292.1(a)(2)

Eligibility

Many law school graduates practice immigration law as employees of legal social service organizations before having passed a bar exam or having been admitted to the bar. A graduate of a United States law school not yet admitted to the bar may represent an alien if the graduate

appears at the alien’s request, and

is permitted to appear by the official before whom she wishes to appear. 8 C.F.R. § 292.1(a)(2)(iv).

Entering An Appearance

Letter of Introduction

Since the law school graduate is likely to appear on behalf of many aliens as a result of her employment, the graduate’s supervising attorney or other employer should forward a letter of introduction to all the officials (immigration judges and INS examiners) before whom the graduate intends to appear. The letter should state the graduate’s qualifications, refer to 8 C.F.R § 292.1(a)(2), and request that the graduate be permitted to appear without an accompanying attorney.

The following is a sample of an introduction letter.
DATE

NAME AND TITLE OF OFFICIAL (immigration judge or INS)
ADDRESS
CITY, STATE ZIP CODE

DEAR (NAME OF OFFICIAL):

I am respectfully requesting that pursuant to 8 C.F.R. § 292(a)(2)(iv) you permit (NAME OF LAW SCHOOL GRADUATE) to appear before you, representing clients of (NAME OF SOCIAL SERVICE ORGANIZATION), without being accompanied in the Court (or at the INS) by attorneys of (NAME OF SOCIAL SERVICE ORGANIZATION). (NAME OF LAW SCHOOL GRADUATE) is a graduate of (NAME OF LAW SCHOOL), and is employed by (NAME OF SOCIAL SERVICE ORGANIZATION) as a staff attorney. She is presently awaiting for the results of the State Bar Examination and is working under my supervision.

Your favorable consideration of this request would be greatly appreciated.

Respectfully,

NAME OF SUPERVISING ATTORNEY
Law School Graduate Statement

In order to appear on behalf of an alien, a law school graduate must file a statement that the graduate
____ is under the supervision of a licensed attorney or accredited representative, and
____ appears without direct or indirect remuneration. 8 C.F.R. § 292.1(a)(2)(iii).
(Graduates paid directly by their social service organization employer may have trouble passing the prohibition on "direct or indirect remuneration." Graduates paid by fellowships are likely not to have this problem.)

NOTE: An immigration judge may request that the law school graduate's statement declare that the graduate appears at the alien's request, and graduated from a law school accredited in the United States, even though the regulations do not specifically require those declarations.

The following is a sample of a law school graduate statement.

LAW SCHOOL GRADUATE'S STATEMENT

I hereby submit the following statement in support of the attached letter requesting permission for a law school graduate to appear before the court:

1. I am a (YEAR DATE OF GRADUATION) graduate of (NAME OF LAW SCHOOL), an accredited law school in the United States.

2. I am working as an attorney at (NAME OF SOCIAL SERVICE ORGANIZATION).

3. I am participating under the supervision of (NAME OF SUPERVISING ATTORNEY), the supervising attorney on staff at (NAME OF SOCIAL SERVICE ORGANIZATION).

4. I am appearing without direct or indirect remuneration from my client.

5. I am appearing at the request of my client, (NAME OF CLIENT), A# _____ in (TYPE OF PROCEEDINGS) before the Immigration Court in (LOCATION OF IMMIGRATION COURT).

Date: __________________________

_______________________________
NAME
Law School Graduate

78
Notice of Entry of Appearance

The graduate's statement must be filed with a Notice of Entry of Appearance consisting of

___ Form G-28 (blue) if appearing before the INS,
___ Form EOIR-28 (green) if appearing before an immigration judge, or
___ Form EOIR-27 (yellow) if appearing before the BIA.

The following are samples of a graduate's G-28, EOIR-28, and EOIR-27.
NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE

In re: NAME OF CLIENT DATE 11/1/93

FILE No. A# OF CLIENT

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

<table>
<thead>
<tr>
<th>NAME</th>
<th>□ Petitioner □ Applicant</th>
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</table>

Check Applicable item(s) below:

☐ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia and am not under a court or administrative agency order suspending, enjoining, restraining, disbarring, or otherwise restricting me in practicing law.

☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

☐ 3. I am associated with the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

☐ 4. Others (Explain fully.) I am a June, 1993 graduate of [NAME OF LAW SCHOOL], an accredited law school in the United States. I work as a staff attorney at [NAME OF SOCIAL SERVICE AGENCY], an agency recognized by the Board of Immigration Appeals. I work under the supervision of [NAME OF SUPERVISING ATTORNEY], Esq.

| SIGNATURE |
| COMPLETE ADDRESS |

| SIGNATURE OF LAW SCHOOL GRADUATE |
| ADDRESS OF SOCIAL SERVICE AGENCY |

| NAME (Type or Print) |
| NAME OF LAW SCHOOL GRADUATE |

| TELEPHONE NUMBER |
| TELEPHONE OF SOCIAL SERVICE AGENCY |

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

(Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSE IS IN CONNECTION WITH THE FOLLOWING MATTER:

| NAME OF PERSON CONSENTING |
| SIGNATURE OF PERSON CONSENTING |
| DATE |

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)
NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE
BEFORE THE OFFICE OF THE IMMIGRATION JUDGE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

TYPE OF PROCEEDING FOR WHICH I AM ENTERING AN APPEARANCE.
☐ Exclusion
☐ Motion to Reopen/Reconsider
☐ Other

DATE 11/1/93

ALIEN NUMBER

1. I hereby enter my appearance as attorney or representative for and at the request of the following named person(s):

NAME OF CLIENT

ADDRESS
(Apt. No.) (Number & Streets) City (State) (Zip Code)

ADDRESS OF CLIENT

Check if Applicable Item(s) below:

☐ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following state, territory, insular possession, or District of Columbia and am not under a court or administrative agency order suspending, enjoining, disbarring, or otherwise restricting me in practicing law.

☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

☐ 3. I am associated with the attorney of record who previously filed a notice of appearance in this case and my appearance is at his/her request.
(if you check this item, also check item 1 or 2 whichever is appropriate.)

☐ 4. Other (Explain fully): I am a June, 1993 graduate of (NAME OF LAW SCHOOL), an accredited law school in the United States. I work as a staff attorney at (NAME OF SOCIAL SERVICE AGENCY), an agency recognized by the Board of Immigration Appeals. I work under the supervision of (NAME OF SUPERVISING ATTORNEY), Esq.

SIGNATURE

SIGNATURE OF LAW SCHOOL GRADUATE

COMPLETE ADDRESS

ADDRESS OF SOCIAL SERVICE AGENCY

NAME (Type or print)

NAME OF LAW SCHOOL GRADUATE

TELEPHONE NUMBER

TELEPHONE OF SOCIAL SERVICE AGENCY

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO REPRESENTATION BY AND THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY EOIR SYSTEM OF RECORDS:

(NAME of Attorney or Representative)

NAME OF PERSON CONSENTING

SIGNATURE OF PERSON CONSENTING

DATE

NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

FORM EOIR 26
FEB 89
NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE
BEFORE THE BOARD OF IMMIGRATION APPEALS
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

In the Matter:

<table>
<thead>
<tr>
<th>DATE</th>
<th>ALIEN NUMBER</th>
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</thead>
<tbody>
<tr>
<td>11/1/93</td>
<td>(list last four alien</td>
</tr>
<tr>
<td></td>
<td>number and all family members alien</td>
</tr>
<tr>
<td></td>
<td>numbers if applicable</td>
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</table>

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<thead>
<tr>
<th>NAME OF CLIENT</th>
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<td>NAME OF CLIENT</td>
<td>A</td>
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</tbody>
</table>

ADDRESS (Apt. No.) (Number & Street) (City) (State) (Zip Code)

ADDRESS OF CLIENT

Check if Applicable Item(s) below:

☐ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia and am not under a court or administrative agency order suspending, enjoining, disbarreng, or otherwise restricting me in practicing law.

☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

☐ 3. I am associated with the attorney of record who previously filed a notice of appearance in this case and my appearance is at his/her request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

☐ 4. Other (Explain fully) I am a June, 1993 graduate of (NAME OF LAW SCHOOL), an accredited law school in the United States. I work as a staff attorney at (NAME OF SOCIAL SERVICE AGENCY), an agency recognized by the Board of Immigration Appeals. I work under the supervision of (NAME OF SUPERVISING ATTORNEY), Esq.

SIGNATURE

COMPLETE ADDRESS || Check here if this is a new address

SIGNATURE OF LAW SCHOOL GRADUATE

ADDRESS OF SOCIAL SERVICE AGENCY

NAME (Type or print)

TELEPHONE NUMBER

TELEPHONE NUMBER OF SOCIAL SERVICE AGENCY

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO REPRESENTATION BY AND THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY EOIR SYSTEM OF RECORDS:

(Please Print)

DATE

(Note: Execution of this box is required under the Privacy Act of 1974 where the person being represented is or claims to be a citizen of the United States or an alien lawfully admitted for permanent residence.)

NOTE: Signature of person consenting is required under the Privacy Act of 1974 where the person being represented is or claims to be a citizen of the United States or an alien lawfully admitted for permanent residence.)
Reputable Individual Appearances: 8 C.F.R. § 292.1(a)(3)

Eligibility

A person who is not an attorney, law student, or law school graduate, or an accredited representative may represent an alien if the person

___ is of good moral character,

___ appears at the alien’s request (8 C.F.R. § 292.1(a)(3)(i)),

___ appears without direct or indirect remuneration (8 C.F.R. § 292.1(a)(3)(ii)),

___ has a pre-existing relationship with the alien, such as relative, neighbor, clergyman, business associate or personal friend, or in the absence of such relationship, as a matter of administrative discretion, adequate representation would not otherwise be available (8 C.F.R. § 292.1(a)(3)(ii), see Matter of Guerra and Sanchez, 15 I & N Dec. 251 (BIA 1975)),

___ is permitted to appear by the official before whom the person wishes to appear (8 C.F.R. § 292.1(a)(3)(iv)), and

___ does not regularly practice immigration law, or hold out to the public as qualified to do so (8 C.F.R. § 292.1(a)(3)(iv)).

Entering An Appearance

Written Declaration

In order to appear on behalf of an alien, a person not an attorney, law student, or law school graduate not yet admitted to the bar must

___ file a written declaration that she is appearing without direct or indirect remuneration (8 C.F.R. § 292.1(a)(3)(ii)).

Notice of Entry of Appearance

In order to enter an appearance on behalf of an alien, the reputable individual must file a notice of appearance consisting of

___ Form G-28 (blue) if appearing before the INS,

___ Form EOIR-28 (green) if appearing before an immigration judge, or

___ Form EOIR-27 (yellow) if appearing before the BIA.

The following are samples of a reputable individual’s G-28, EOIR-28, and EOIR-27.
NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE

In re: NAME OF CLIENT

DATE 11/1/92

FILE No. A# OF CLIENT

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named persons:

<table>
<thead>
<tr>
<th>NAME</th>
<th>Petitioner</th>
<th>Beneficiary</th>
<th>Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME OF CLIENT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADDRESS</td>
<td>Apt. No.</td>
<td>(Number &amp; Street)</td>
<td>(City)</td>
</tr>
</tbody>
</table>

ADDRESS OF CLIENT

<table>
<thead>
<tr>
<th>NAME</th>
<th>Petitioner</th>
<th>Beneficiary</th>
<th>Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADDRESS</td>
<td>Apt. No.</td>
<td>(Number &amp; Street)</td>
<td>(City)</td>
</tr>
</tbody>
</table>

Check Applicable Item(s) below:

☐ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia and am not under a court or administrative agency order suspending, enjoining, restraining, disbarring, or otherwise restricting me in practicing law.

☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

☐ 3. I am associated with the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

☐ 4. Others (Explain fully.) I am a reputable individual as defined in 8 C.F.R. 292.1(3). I have a pre-existing relationship with (NAME OF CLIENT) as a (RELATIVE, NEIGHBOR, CLERGYMAN, BUSINESS ASSOCIATE OR PERSONAL FRIEND).

SIGNATURE

SIGNATURE OF REPUTABLE INDIVIDUAL

COMPLETE ADDRESS

ADDRESS OF REPUTABLE INDIVIDUAL

NAME (Type or Print)

NAME OF REPUTABLE INDIVIDUAL

TELEPHONE NUMBER

TELEPHONE OF REPUTABLE INDIVIDUAL

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

(Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSE IS IN CONNECTION WITH THE FOLLOWING MATTER:

NAME OF PERSON CONSENTING

SIGNATURE OF PERSON CONSENTING

DATE

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

Form G-28
(Rev.10-25-79)N

OVER

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

Stock Number 027-028-00199-4
NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE
BEFORE THE OFFICE OF THE IMMIGRATION JUDGE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

TYPE OF PROCEEDING FOR WHICH I AM ENTERING AN APPEARANCE:

☐ Exclusion
☒ Deportation/Inadmissibility
☐ Motion to Reopen/Reconsider
☐ Redeterminations
☐ Other

I hereby enter my appearance as attorney (or representative) for and at the request of the following named person(s):

NAME OF CLIENT

ADDRESS

(Apt. No.)

(Number & Street)

(City)

(States)

(Zip Code)

ALIEN NUMBER

DATE

11/1/93

ALIEN NUMBER

First, last, and given names

ALIEN NUMBER

If any

ALIEN NUMBER

If any

ALIEN NUMBER

If any

ALIEN NUMBER

If any

Check if Applicable Item(s) below:

☐ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia

Name of Court

and am not under a court or administrative agency order suspending, suspending, disbarred, or otherwise restricting me in practicing law.

☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

☐ 3. I am associated with the attorney of record who previously filed a notice of appearance in this case and my appearance is at his/her request.

(If you check this item, also check item 1 or 2 whichever is appropriate.)

☐ 4. Other (Explain fully): I am a reputable individual as defined in 8 C.F.R. 292.1(3).

I have a pre-existing relationship with (NAME OF CLIENT) as a (RELATIVE, NEIGHBOR, CLERGYMAN, BUSINESS ASSOCIATE OR PERSONAL FRIEND).

SIGNATURE

COMPLETE ADDRESS

☐ Check here if this is a new address

ADDRESS OF REPUTABLE INDIVIDUAL

SIGNATURE OF REPUTABLE INDIVIDUAL

TELEPHONE NUMBER

NAME (Type or print)

NAME OF REPUTABLE INDIVIDUAL

TELEPHONE OF REPUTABLE INDIVIDUAL

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO REPRESENTATION BY AND THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY EOIR SYSTEM OF RECORDS:

(Name of Attorney or Representative)

NAME OF PERSON CONSENTING

SIGNATURE OF PERSON CONSENTING

DATE

NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is or claims to be a citizen of the United States or an alien lawfully admitted for permanent residence.)
NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE
BEFORE THE BOARD OF IMMIGRATION APPEALS
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

In the Matter:  

NAME OF CLIENT

I hereby enter my appearance as attorney (or representative) for and at the request of the following named person(s):

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Apt. No.)</td>
</tr>
</tbody>
</table>

ADDRESS OF CLIENT

Check if Applicable Item(s) below:

☐ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia and am not under a court or administrative agency order suspending, enjoining, disbarring, or otherwise restricting me in practicing law.

☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

☐ 3. I am associated with the attorney of record who previously filed a notice of appearance in this case and my appearance is at his/her request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

☐ 4. Other (Explain fully) I am a reputable individual as defined in 8 C.F.R. 292.1(3). I have a pre-existing relationship with (NAME OF CLIENT) as a (RELATIVE, NEIGHBOR, CLERGYMAN, BUSINESS ASSOCIATE OR PERSONAL FRIEND).

SIGNATURE

COMPLETE ADDRESS ☐ Check here if this is a new address

SIGNATURE OF REPUTABLE INDIVIDUAL

ADDRESS OF REPUTABLE INDIVIDUAL

NAME (Type or print)

TELEPHONE NUMBER

NAME OF REPUTABLE INDIVIDUAL

TELEPHONE OF REPUTABLE INDIVIDUAL

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO REPRESENTATION BY AND THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY EOIR SYSTEM OF RECORDS:

(Name of Attorney or Representative)

NAME OF PERSON CONSENTING

SIGNATURE OF PERSON CONSENTING  DATE

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is or claims to be a citizen of the United States or an alien lawfully admitted for permanent residence.)
LEGAL SOURCES

The following legal sources were consulted in the preparation of this manual:

Immigration and Nationality Act § 292 (1993)
8 C.F.R. § 292 (1992)
8 C.F.R. § 1.1(f) (1993)
Matter of Baptist Educational Center, Int. Dec. 3210 (BIA 1993)
Matter of Florida Rural Legal Services, Int. Dec. 3196 (BIA 1993)
Matter of Elly Velez Pamatong, 17 I & N Dec. 175 (BIA 1979)
Matter of Guerra and Sanchez, 15 I & N Dec. 251 (BIA 1975)
APPENDIX

8 C.F.R. § 292:
Representation and
Appearances

§ 292.1 Representation of others.

(a) A person entitled to representation may be represented by any of the following:

(1) Attorneys in the United States. Any attorney as defined in § 1.1(f) of this chapter.

(2) Law students and law graduates not yet admitted to the bar. A law student who is enrolled in an accredited law school, or a law graduate who is not yet admitted to the bar, provided that:

(i) He or she is appearing as the request of the person entitled to representation;

(ii) In the case of a law student, he or she has filed a statement that he or she is participating, under the direct supervision of a faculty member or an attorney, in a legal aid program or clinic conducted by the law school, and that he or she is appearing without direct or indirect remuneration;

(iii) In the case of a law graduate, he or she has filed a statement that he or she is appearing under the supervision of a licensed attorney or accredited representative and that he or she is appearing without direct or indirect remuneration; and

(iv) The law student’s or law graduate’s appearance is permitted by the official before whom he or she wishes to appear (namely an Immigration Judge, district director, officer-in-charge, regional commissioner, the Commissioner, or the Board). The official or officials may require that a law student be accompanied by the supervising faculty member or attorney.

(3) Reputable individuals. Any reputable individual of good moral character, provided that:

(i) He is appearing on an individual case basis, at the request of the person entitled to representation;

(ii) He is appearing without direct or indirect remuneration and files a written declaration to that effect;

(iii) He has a pre-existing relationship or connection with the person entitled to representation (e.g., as a relative, neighbor, clergyman, business associate or personal friend), provided that such requirement may be waived, as a matter of administrative discretion, in cases where adequate representation would not otherwise be available; and

(iv) His appearance is permitted by the official before whom he wishes to appear (namely, a special inquiry officer, district director, officer-in-charge, regional commissioner, the Commissioner, or the Board), provided that such permission shall not be granted with respect to any individual who regularly engages in immigration and naturalization practice or preparation, or holds himself out to the public as qualified to do so.

(4) Accredited representatives. A person representing an organization described in § 292.2 of this chapter who has been accredited by the Board.

(5) Accredited officials. An accredited official, in the United States, of the government to which an alien owes allegiance, if the official appears solely in his official capacity and with the alien’s consent.

(6) Attorneys outside the United States. An attorney other than one described in § 1.1(f) of this chapter who is licensed to practice law and is in good standing in a court of general jurisdiction of the country in which he/she resides and who is engaged in such practice. Provided that he/she represents persons only in matters outside the geographical confines of the United States as defined in section 101(a)(38) of the Act, and that the Service official before whom he/she wishes to appear allows such representation as a matter of discretion.

(b) Persons formerly authorized to practice. A person, other than a representative of an organization described in § 292.2 of this chapter, who on December 23, 1982, was authorized to practice before the Board and the Service may continue to act as a representative, subject to the provisions of § 292.3 of this chapter.

(c) Former employees. No person previously employed by the Department of Justice shall be permitted to act as a representative in any case in violation of the provisions of 28 CFR 45.735–7.

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(d) Amicus curiae. The Board may grant permission to appear, on a case-by-case basis, as amicus curiae, to an attorney or to an organization represented by an attorney, if the public interest will be served thereby.

(e) Except as set forth in this section, no other person or persons shall represent others in any case.


§ 292.2 Organizations qualified for recognition; requests for recognition; withdrawal of recognition; accreditation of representatives; roster.

(a) Qualifications of organizations. A non-profit religious, charitable, social service, or similar organization established in the United States and recognized as such by the Board may designate a representative or representatives to practice before the Service and the Board. Such organization must establish to the satisfaction of the Board that:

1. It makes only nominal charges and assesses no excessive membership dues for persons given assistance; and
2. It has at its disposal adequate knowledge, information and experience.

(b) Requests for recognition. An organization having the qualifications prescribed in paragraph (a) of this section may file an application for recognition on a Form G-27 directly with the Board, along with proof of service of a copy of the application on the district director having jurisdiction over the area in which the organization is located. The district director, within 30 days from the date of service, shall forward to the Board a recommendation for approval or disapproval of the application and the reasons therefor, or request a specified period of time in which to conduct an investigation or otherwise obtain relevant information regarding the applicant. The district director shall include proof of service of a copy of such recommendation or request on the organization. The organization shall have 30 days in which to file a response with the Board to a recommendation by a district director that is other than favorable, along with proof of service of a copy of such response on the district director. If the Board approves a request for time to conduct an investigation, or in its discretion remands the application to the district director for further information, the organization shall be advised of the time granted for such purpose. The Service shall promptly forward the results of any investigation or inquiry to the Board, along with its recommendations for approval or disapproval and the reasons therefor, and proof of service of a copy of the submission on the organization. The organization shall have 30 days from the date of such service to file a response with the Board to any matters raised therein, with proof of service of a copy of the response on the district director. Requests for extensions of filing times must be submitted in writing with the reasons therefor and may be granted by the Board in its discretion.

Oral argument may be heard before the Board in its discretion at such date and time as the Board may direct. The organization and Service shall be informed by the Board of the action taken regarding an application. Any recognized organization shall promptly notify the Board of any changes in its name, address, or public telephone number.

(c) Withdrawal of recognition. The Board may withdraw the recognition of any organization which has failed to maintain the qualifications required by § 292.2(a). Withdrawal of recognition may be accomplished in accordance with the following procedure:

1. The Service, by the district director within whose jurisdiction the organization is located, may conduct an investigation into any organization it believes no longer meets the standards for recognition.

2. If the investigation establishes to the satisfaction of the district director that withdrawal proceedings should be instituted, he shall cause a written statement of the grounds upon which withdrawal is sought to be served upon the organization, with notice to show cause why its recognition should not be withdrawn. The notice will call upon the organization to appear before a special inquiry officer for a hearing at a time and place stated, not
§ 292.2

less than 30 days after service of the notice.

(3) The special inquiry officer shall hold a hearing, receive evidence, make findings of fact, state his recommendations, and forward the complete record to the Board.

(4) The organization and the Service shall have the opportunity of appearing at oral argument before the Board at a time specified by the Board.

(5) The Board shall consider the entire record and render its decision. The order of the Board shall constitute the final disposition of the proceedings.

(d) Accreditation of representatives. An organization recognized by the Board under paragraph (b) of this section may apply for accreditation of persons of good moral character as its representatives. An organization may apply to have a representative accredited to practice before the Service alone or the Service and the Board (including practice before immigration judges). An application for accreditation shall fully set forth the nature and extent of the proposed representative's experience and knowledge of immigration and naturalization law and procedure and the category of accreditation sought. No individual may submit an application on his or her own behalf. An application shall be filed directly with the Board, along with proof of service of a copy of the application on the district director having jurisdiction over the area in which the requesting organization is located. The district director, within 30 days from the date of service, shall forward to the Board a recommendation for approval or disapproval of the application and the reasons therefor, or request a specified period of time in which to conduct an investigation or otherwise obtain relevant information regarding the applicant. The district director shall include proof of service of a copy of such recommendation or request on the organization. The organization shall have 30 days in which to file a response with the Board to a recommendation by a district director that is other than favorable, with proof of service of a copy of such response on the district director. If the Board approves a request for time to conduct an investigation, or in its discretion remands the application to the district director for further information, the organization shall be advised of the time granted for such purpose. The district director shall promptly forward the results of any investigation or inquiry to the Board, along with a recommendation for approval or disapproval and the reasons therefor, and proof of service of a copy of the submission on the organization. The organization shall have 30 days from the date of service to file a response with the Board to any matters raised therein, with proof or service of a copy of the response on the district director. Requests for extensions of filing times must be submitted in writing with the reasons therefor and may be granted by the Board in its discretion. Oral argument may be heard before the Board in its discretion at such date and time as the Board may direct. The Board may approve or disapprove an application in whole or in part and shall inform the organization and the district director of the action taken with regard to an application. The accreditation of a representative shall be valid for a period of three years only; however, the accreditation shall remain valid pending Board consideration of an application for renewal of accreditation if the application is filed at least 60 days before the third anniversary of the date of the Board's prior accreditation of the representative. Accreditation terminates when the Board's recognition of the organization ceases for any reason or when the representative's employment or other connection with the organization ceases. The organization shall promptly notify the Board of such changes.

(e) Roster. The Board shall maintain an alphabetical roster of recognized organizations and their accredited representatives. A copy of the roster shall be furnished to the Commissioner and he shall be advised from time to time of changes therein.

[40 FR 23272, May 29, 1975, as amended at 49 FR 44086, Nov. 2, 1984]
§ 292.3 Discipline of attorneys and representatives.

(a) Grounds. The Immigration Judge, Board, or Attorney General may suspend or bar from further practice before the Executive Office for Immigration Review or the Service, or may take other appropriate disciplinary action against, an attorney or representative if it is found that it is in the public interest to do so. Appropriate disciplinary sanctions may include disbarment, suspension, reprimand or censure, or such other sanction as deemed appropriate. The suspension, disbarment, or imposition of other appropriate disciplinary action against an attorney or representative who is within one or more of the following categories shall be deemed to be in the public interest, for the purposes of this part, but the enumeration of the following categories does not constitute the exclusive grounds for discipline in the public interest:

(1) Who charges or receives, either directly or indirectly, any fee or compensation for services which may be deemed to be grossly excessive in relation to the services performed, or who, being an accredited representative of an organization recognized under § 1.1(f) of this chapter, charges or receives either directly or indirectly any fee or compensation for services rendered to any person, except that an accredited representative of such an organization may be regularly compensated by the organization of which he is an accredited representative;

(2) Who, with intent to defraud or deceive, bribes, attempts to bribe, coerces, or attempts to coerce, or in any other manner whatsoever, any person, including a party to a case, an officer or employee of the Service or Board, to commit an act or to refrain from performing an act in connection with any case;

(3) Who willfully misleads, misinforms, or deceives an officer or employee of the Department of Justice concerning any material and relevant fact in connection with a case;

(4) Who willfully deceives, misleads, or threatens any party to a case concerning any matter relating to the case;

(5) Who solicits practice in any unethical or unprofessional manner, including but not limited to, the use of runners;

(6) Who represents, as an associate, any person who, known to him, solicits practice in any unethical or unprofessional manner, including, but not limited to, the use of runners, or advertising his availability to handle immigration, naturalization, or nationality matters;

(7) Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred, from practice in any court, Federal, State (including the District of Columbia), territorial, or insular;

(8) Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred, from practice in a representative capacity before any executive department, board, commission, or other governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

(9) Who, by use of his name, personal appearance, or any device, aids and abets any person to practice during the period of his suspension or disbarment, such suspension or disbarment being known to him;

(10) Who willfully made false and material statements or representations with respect to his qualifications or authority to represent others in any case;

(11) Who engages in contumelious or otherwise obnoxious conduct with respect to a case in which he acts in a representative capacity, which in the opinion of the Board, would constitute cause for suspension or disbarment if the case was pending before a court, or which, in such a judicial proceeding, would constitute a contempt of court;

(12) Who, having been furnished with a copy of any portion of the record in a case, willfully fails to surrender such copy upon final disposition of the case or upon demand, or willfully and without authorization makes and retains a copy of the material furnished;

(13) Who has been convicted of a felony, or, having been convicted of any crime is sentenced to imprisonment for a term of more than one year; or
§ 292.3
(14) Who has falsely certified a copy of a document as being a true and complete copy of an original.
(15) Who has engaged in frivolous behavior in a proceeding before an Immigration Judge, the Board of Immigration Appeals, or any other administrative appellate body under title II of the Immigration and Nationality Act.

(i) An attorney or representative engages in frivolous behavior when he or she knows or reasonably should have known that his or her actions lack an arguable basis in law or in fact, or are taken for an improper purpose, such as to cause unnecessary delay. Actions that, if taken improperly, may be subject to discipline include, but are not limited to, the making of an argument on any factual or legal question, the submission of an application for discretionary relief, the filing of a motion, or the filing of an appeal. The signature of an attorney or an accredited representative on any filing, application, motion, appeal, brief, or other paper constitutes certification by the signer that the signer has read the filing, application, motion, appeal, brief, or other paper, and that, to the best of the signer’s knowledge, information, and belief, formed after reasonable inquiry, the document is well grounded in fact, is warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law, and is not interposed for any improper purpose;

(ii) The imposition of disciplinary action for frivolous behavior under this section in no way limits the Board’s authority summarily to dismiss an appeal pursuant to 8 CFR 3.1(d)(1-a).

(b) Procedure. (1) Non-Service attorneys and accredited representatives.

(i) Investigation of charges. Complaints regarding the conduct of attorneys and representatives practicing before the Service or the Executive Office for Immigration Review pursuant to 8 CFR 292.1 shall be investigated by the Service.

(ii) Service and filing of charges. If an investigation establishes, to the satisfaction of the Service, that disciplinary proceedings should be instituted, the General Counsel of the Service shall cause a copy of the written charges to be served upon the attorney/representative either by personal service or by registered mail. The General Counsel shall also file the written charges with the Office of the Chief Immigration Judge immediately after service of the charges upon the attorney/representative.

(iii) Service and filing of answer. The attorney/representative shall answer the charges, in writing, within thirty (30) days after the date of service, and shall file the answer with the Office of the Chief Immigration Judge. Failure of the attorney/representative to answer the written charges in a timely manner shall constitute an admission that the facts and legal statements in the written charges are correct. The attorney/representative shall also serve a copy of the answer on the General Counsel. Proof of service on the opposing party must be included with all documents filed.

(iv) Hearing. The Chief Immigration Judge shall designate an Immigration Judge to hold a hearing and render a decision in the matter. The designated Immigration Judge shall notify the attorney/representative and the Service as to the time and the place of the hearing. At the hearing, the attorney/representative may be represented by an attorney at no expense to the Government and the Service shall be represented by an attorney. At the hearing, the attorney/representative shall have a reasonable opportunity to examine and object to the evidence presented by the Service, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Service. The Service shall bear the burden of proving the grounds for disciplinary action by clear, convincing, and unequivocal evidence. The record of the hearing shall conform to the requirements of 8 CFR 241.15.

(v) Decision. The Immigration Judge shall consider the record and render a decision in the case, including that the evidence presented does not sufficiently prove grounds for disciplinary action or that disciplinary action is justified. If the Immigration Judge finds that the evidence presented does sufficiently prove grounds for disciplinary action, the appropriate sanction
shall be ordered. If the Immigration Judge orders a suspension, the Immigration Judge shall set an amount of time for the suspension.

(v) Appeal. Either party may appeal the decision of the Immigration Judge to the Board. The appeal must be filed within ten (10) days from the date of the decision, if oral, or thirteen (13) days from the date of mailing of the decision, if written. The appeal must be filed with the office of the Immigration Judge holding the hearing. If an appeal is not filed in a timely manner, or if the appeal is waived, the decision of the Immigration Judge is final. If a case is appealed in a timely manner, the Board shall consider the record and render a decision. Receipt of briefs and the hearing of oral argument shall be at the discretion of the Board. The Board’s decision shall be final except when a case is certified to the Attorney General pursuant to 8 CFR 3.1(c).

(2) Service attorneys. Complaints regarding the frivolous behavior of Service attorneys within the scope of §292.3(a)(15) shall be directed to, and investigated by, the Office of Professional Responsibility of the Department of Justice. If disciplinary action is warranted, it shall be administered pursuant to the attorney disciplinary procedures of the Department of Justice.


§292.4 Appearances.

(a) An appearance shall be filed on the appropriate form by the attorney or representative appearing in each case. During Immigration Judge or Board proceedings, withdrawal and/or substitution of counsel is permitted only in accordance with §§3.15 and 3.36 respectively. During proceedings before the Service, substitution may be permitted upon the written withdrawal of the attorney or representative of record, or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his or her personal appearance or signature shall constitute a representation that under the provisions of this chapter he or she is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required.

(b) Accessibility of records. During the time a case is pending, and except as otherwise provided in §103.2(b) of this chapter, a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office, during regular working hours, in conformity with §103.10 of this chapter, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in §103.10 of this chapter.


§292.5 Service upon and action by attorney or representative of record.

(a) Representative capacity. Whenever a person is required by any of the provisions of this chapter to give or be given notice; to serve or be served with any paper other than a warrant of arrest or a subpoena; to make a motion; to file or submit an application or other document; or to perform or waive the performance of any act, such notice, service, motion, filing, submission, performance, or waiver shall be given by or to, served by or upon, made by, or requested of the attorney or representative of record, or the person himself if unrepresented.

(b) Right to representation. Whenever an examination is provided for in this chapter, the person involved shall have the right to be represented by an attorney or representative who, except as otherwise specifically provided in part 332 of this chapter, shall be per-
§ 292.6

mitted to examine or cross-examine such person and witnesses, to introduce evidence, to make objections which shall be stated succinctly and entered on the record, and to submit briefs. Provided, that nothing in this paragraph shall be construed to provide any applicant for admission in either primary or secondary inspection the right to representation, unless the applicant for admission has become the focus of a criminal investigation and has been taken into custody.


§ 292.6 Interpretation.

Interpretations of this part will be made by the Board of Immigration Appeals, subject to the provisions of part 3 of this chapter.

[32 FR 9633, July 4, 1967]

PART 292a—LISTING OF FREE LEGAL SERVICES PROGRAMS

Sec.
292a.1 Listing.  
292a.2 Qualifications.  
292a.3 Applications.  
292a.4 Approval and denial of applications.  
292a.5 Removal of an organization from list.

Authority: Sec. 103; 8 U.S.C. 1103, interpret or apply sec. 242 and 292 (8 U.S.C. 1225 and 1226).

Source: 44 FR 4654, Jan. 23, 1979, unless otherwise noted.

§ 292a.1 Listing.

District directors and officers-in-charge shall maintain a current list of organizations qualified under this part and organizations recognized under § 292.2 of this chapter which have applied for listing under § 292a.3 of this part, located within their respective jurisdictions, for the purpose of providing aliens in deportation or exclusion proceedings with a list of such organizations as prescribed in this chapter.

(46 FR 43681, June 30, 1980)

§ 292a.2 Qualifications.

Except for an organization which is recognized under § 292.2 of this chapter and is available to render legal services in deportation or exclusion proceedings, an organization which seeks to have its name appear on the Service lists must show that it is established in the United States, provides free legal services to indigent aliens, has on its staff attorneys as defined in § 1.1(f) of this chapter or retains, at no expense to the alien, attorneys as defined in § 1.1(f) of this chapter, who are available to render such free legal services by representation in deportation or exclusion proceedings. Bar associations which provide a referral service of attorneys who render pro bono assistance to aliens in deportation or exclusion proceedings may also qualify to have their names appear on the Service list. Listing of an organization qualified under this part is not equivalent to recognition under § 292.2 of this chapter.

(44 FR 4654, Jan. 23, 1979, as amended at 45 FR 43681, June 30, 1980)

§ 292a.3 Applications.

Applications by organizations to qualify for listing under this part shall be submitted to the district director or officer-in-charge having jurisdiction over each area in which free legal services are being provided by the organization. The application shall be supported by a declaration signed by an authorized officer of the organization that the organization complies with all the qualifications set out in § 292a.2.

§ 292a.4 Approval and denial of applications.

District Directors or officers-in-charge shall have the authority to grant or deny an application submitted by an organization under this part, within their respective jurisdiction. If an application is denied, the applicant shall be notified of the decision in writing giving the grounds of such denial. Denial must be based on the failure of the organization to meet the qualifications specified in § 292a.2. The organization shall be advised of its right to appeal in accordance with §§ 103.1 and 103.3 of this chapter.

(60 FR 2040, Jan. 15, 1985)
§ 292a.5 Removal of an organization from list.

If the district director or officer-in-charge is satisfied that an organization listed under § 292a.1 does not meet the qualifications as set out in § 292a.2, he/she shall notify the organization concerned, in writing, of his/her intention to remove its name from the Service list. The organization may submit an answer within 30 days from the date the notice was served. If, after considering the answer by the organization, in the event an answer is submitted, the district director or officer-in-charge determines that the organization does not qualify under § 292a.2, he/she shall remove its name from the list. Removal must be based on the failure of the organization to meet the qualifications specified in § 292a.2 of this chapter. The organization shall be advised of its right to appeal in accordance with §§ 103.1 and 103.3 of this chapter. If an organization applies to the district director or officer-in-charge to have its name removed from the Service list, that request shall be honored.

(49 FR 41015, Oct. 19, 1984)
IMMIGRATION RESOURCES

Organizations Providing Technical Assistance and Materials

American Bar Association, Center for Immigration Law and Representation, Pro Bono Development Project, 1800 M. St., N.W., Suite 200 South, Washington, D.C. 20036, (202) 331-2284, 331-2268

The ABA monitors and analyzes legislative and regulatory developments on immigration policy issues. The ABA also offers mini-grants to state and local bar associations working collaboratively with local service providers, to develop or expand pro bono projects for immigrants. In addition, the Immigration Pro Bono Development Project offers technical assistance and reference materials about pro bono immigration panels and recruits volunteer lawyers nationally to provide immigration representation. With the State Bar of Texas, the ABA operates ProBAR, a program that recruits volunteer lawyers to travel to South Texas to represent detained asylum seekers. Publications include a manual for establishing a pro bono immigration project, a guide to Board of Immigration Appeals recognition and accreditation, and a collection of legislative documents relating to the Immigration Act of 1990.

American Immigration Lawyer's Association (AILA) and American Immigration Law Foundation (AILF), 1400 Eye Street, N.W., Suite 1200, Washington, D.C. 20005, (202) 371-9377

AILA is the national legal organization for immigration practitioners, which publishes legal reference materials on a full range of immigration topics and provides advocacy in Washington. AILF has a legal action center (ALAC) that will assist or co-counsel litigation on key immigration issues. AILA publications include Deborah Anker's The Law of Asylum in the United States, a fair hearings pleading manual, a guide to consular processing, Ira Kurzban's Immigration Law Sourcebook, and a monthly review of developments in immigration law. ALAC has developed a series of practice advisories including "Advocacy Before an INS Asylum Officer," "Responses to Notices of Intent to Deny," and "Emergency Motion to Rescind Deportation Order and Reopen Proceedings."

Immigrant Legal Resource Center (ILRC), 1663 Mission Street, Suite 602, San Francisco, CA 94103, (415) 255-9499

ILRC promotes high quality, professional training to immigration lawyers and non-attorney advocates. ILRC offers a 40-hour training program for immigration paralegals employed by nonprofit organizations. ILRC also offers deportation hearing skills training for paralegals who are accredited or seeking accreditation. ILRC has training programs on other varied topics, including case management, citizenship, media advocacy, and the immigration consequences of criminal convictions. ILRC also cosponsors trainings for lawyers with the National Immigration Law Center on IRCA employment discrimination and alien rights issues for legal services lawyers.

ILRC publishes a wide variety of resource materials for advocates including manuals
on family unity, asylum, suspension of deportation, 212(c) cases, legalization appeals, criminal law and immigration matters in California, and a guide for paralegals on immigration law. Titles include Winning Asylum Cases and Establishing Pro Bono Programs.

**Lawyers Committee for Human Rights**, 330 7th Ave, 10th Floor, New York, NY 10001, (212) 629-6170; 100 Maryland Ave., N.E. Suite 502, Washington, D.C. 20002, (202) 547-5692,

The Lawyers Committee operates a refugee project and pro bono asylum programs in New York and Washington, conducts international human rights missions, and provides advocacy on asylum issues. In addition to issuing its own human rights reports, the Lawyers Committee critiques the State Department country reports and has released reports regarding U.S. asylum processes.

**Mexican-American Legal Defense and Educational Fund (MALDEF)**, 634 S. Spring Street, 11th Floor, Los Angeles, CA 90014, (213) 629-2512

MALDEF is an Hispanic civil rights organization. In addition to advocacy, MALDEF litigates major civil rights issues. MALDEF has a citizenship project and has published Rights of the Immigrant Poor: A Legal Analysis.

**National Council of La Raza (NCLR)**, 810 1st St., N.W., Suite 300, Washington, D.C. 20002, (202) 289-1380

NCLR is a national Hispanic civil rights advocacy and public policy organization. Representing more than 130 community-based organizations, NCLR publishes policy papers and studies on employer sanctions and discrimination, naturalization, and other immigration related issues.

**National Lawyers Guild, National Immigration Project**, 14 Beacon Street, Suite 506, Boston, MA 02108, (617) 277-9727

The National Immigration Project offers technical assistance and advice to practitioners and nonprofit programs on legal questions, joins in impact litigation, and offers high-quality, in-depth legal training on complex legal issues. The project also publishes the quarterly "Immigration Newsletter" with legal analysis and political comment on issues of interest to practitioners, a bond practice manual, and maintains a brief bank index of pleadings, briefs, court decisions and opinions addressing immigration issues. Clark Boardman Callaghan publishes the Project’s popular titles Immigration Law and Crimes and Immigration Law and Defense.

**National Immigration Law Center (NILC)**, 1102 S. Crenshaw Blvd., Suite 101, Los Angeles, CA 90019, (213) 938-6455

NILC provides free technical assistance to legal services programs, community-based nonprofit organizations, and pro bono attorneys throughout the U.S. The Center also co-counsels impact litigation, conducts trainings, and publishes legal materials. Among its publications are the monthly newsletter "Immigrants’ Rights Update," the practical legal manual Immigration-Related Employment Discrimination, the Immigrants' Rights Manual,
the Guide to Alien Eligibility for Federal Programs, a directory of assistance programs, and community education materials.


The Forum is a coalition of national and local organizations whose primary purpose is to address the full range of issues relating to the migration and integration of newcomers into our society. The Forum sponsors occasional conferences and training programs, distributes model comments, and produces topic specific information packets on a range of issues including asylum, safe haven, detention, and a bi-monthly newsletter EPIC Events (English Plus Information Clearinghouse) regarding bilingual issues.

**Publications**

**Federal Publications**, 1120 20th St., N.W., Suite 500 South, Washington, D.C. 20036-3484, (800) 922-4330

Publishes "Interpreter Releases", a weekly report and analysis of immigration law, legislative developments, and litigation (a must for every practitioner); "Immigration Briefings", a monthly report on specific immigration issues; and Asylum Law and Practice in Europe and North America. Federal Publication also sponsors training seminars, generally geared to the business practitioner.

**Clark-Boardman Callaghan**, 155 Pfingsten Road, Deerfield, IL 60015-4998, (800) 221-9428


**Matthew, Bender & Co., Inc.**, P.O. Box 989, Dept. D.M., Albany, NY 12201, (800) 833-3630

Publishes a comprehensive 11-volume treatise on all facets of immigration and nationality law and procedure, a portable version of INS regulations and a complete text of the Immigration and Nationality Act.
ADDENDA

Add to: Withdrawal of Recognition, page 23:

Independent Existence

The BIA may find a recognized organization fails to meet the qualifications of 8 C.F.R. § 292, and withdraw the organization's recognition, if it determines that the organization is not "independent of and separate and apart from" its accredited representative. See Matter of Baptist Educational Center, Int. Dec. 3210 (BIA 1993).

Burdens of Proof

The BIA recently established the burdens of proof that the parties bear in a hearing before an immigration judge to determine whether an organization's recognition is to be withdrawn. The decision held that:

1. The INS must initially "make a reasonable or colorable showing" that the organization has failed to maintain the qualifications for recognition laid out in 8 C.F.R. § 292(a).

2. Once the INS has made such a showing, "the organization must demonstrate its continuing qualifications by clear, unequivocal, and convincing evidence." Id., at 14.

Add to: Representative Accreditation: Disciplinary Action, page 47:

Burden of Proof

In a hearing before an immigration judge to determine whether an accredited representative should be disciplined for behavior prohibited in 8 C.F.R. § 292.3(a), the INS "bear(s) the burden of proving the grounds for disciplinary action by clear, convincing, and unequivocal evidence." 8 C.F.R. § 292.3(b)(iv); see Matter of Baptist Educational Center, Int. Dec. 3210, at 14 (BIA 1993).

Add to: Legal Sources, page 90:

Matter of Baptist Educational Center, Int. Dec. 3210 (BIA 1993)

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ADDENDA

Add to: Organizational Eligibility, page 5:

Independent Existence

A recently published BIA decision, Matter of Baptist Educational Center, Int. Dec. 3210 (BIA 1993), indicates that a recognized organization must have an "independent existence," separate and apart from its accredited or proposed representative(s). In other words, the organization must be a legitimate "nonprofit charitable, social service, or similar organization," and not merely "established to provide a means" through which a nonlawyer may receive income through the practice of immigration law. Factors that point to a lack of an "independent existence" are:

— a "close association" from the outset between the organization and the representative,
— a representative who is also the organization's incorporator (or one of its two incorporators), its director, and its operating officer,
— an organization address that is identical to the address of the representative's personal residence,
— the lack of an organization bank account, and commingling of organizational funds with the representative's own funds,
— a lack of "connection with any outside religious, social service, charitable, or similar group." Id., at 14-16.

Organizational recognition and representative accreditation may also not serve as "a means whereby an attorney could obtain accreditation for paralegal associates, nor a means for an accredited individual to obtain clients for a private attorney, resulting in fee sharing." Id., at 18. Factors that point to a "close business association" between a representative and a private attorney, which in turn indicates the lack of an "independent existence" for the organization, include evidence that:

— the representative and the attorney share office space, office personnel, and library resources,
— the representative and the attorney alternately represent the same clients,
— the representative refers clients seeking free or reduced fee representation to the attorney, who seeks an additional fee. Id., at 17-18.