



DOJ RECOGNITION & ACCREDITATION TOOLKIT FOR LOCAL GOVERNMENT AGENCIES

A resource to help municipalities expand legal services for immigrants in their communities

About the Authors

About the New Americans Campaign

Led by the Immigrant Legal Resource Center, the New Americans Campaign (NAC) is the leading national collaborative devoted to increasing naturalization. While over ten million lawful permanent residents are eligible for citizenship, less than one million apply to naturalize each year. Becoming a citizen requires expert legal advice, English-language proficiency, and the means to cover the application costs. For many of the nation's aspiring citizens, lack of access to these resources prevents them from applying.

The NAC builds the capacity of nonprofit service providers, advocates for fair naturalization policies, and connects people with legal experts through our network of 200 partner organizations in more than 80 cities nationwide. Since its inception in 2011, the NAC has helped more than 681,000 people apply for U.S. citizenship, saving applicants over \$762 million in fees. Our collaborative efforts continue to make the dream of American citizenship accessible to eligible immigrants each year, strengthening communities and enriching our nation's civic life.

About Catholic Legal Immigration Network, Inc. (CLINIC)

CLINIC provides training and support to a dedicated network of more than 400 Catholic and community-based immigration law providers in 49 states. By supporting approximately 3,000 network employees with diverse and in-depth training, real-time updates and best practices, CLINIC ultimately serves nearly 500,000 immigrants a year, making it the largest nonprofit immigration law organization in the country.

About the City of Jersey City

Jersey City, located across the Hudson River from Manhattan, is America's most diverse city and holds second place in the national ranking for welcoming immigrants. Notably, Jersey City is the only municipal government in the country to provide federally recognized immigration services to its residents via the Department of Health and Human Services.



THE NAC & JERSEY CITY: PARTNERING TO SUPPORT IMMIGRANTS

In April of 2022, the NAC celebrated ten incredible years of supporting low-income naturalization seekers to achieve their dream of becoming American citizens. To mark this anniversary, more than two hundred nonprofit leaders and service providers convened for the NAC National Practitioners Conference in Jersey City at an incredible location: the historic train terminal, which rests at the footbridge of Ellis Island and within view of the Statue of Liberty. This was where waves of immigrants began their westward journey to all points, toward their new lives in this great new land.

We are grateful to Mayor Steven Fulop and the City of Jersey City for welcoming the conference and for their commitment to promoting citizenship.

Introduction

The Department of Justice (DOJ) Recognition and Accreditation (R&A) Program allows non-attorneys working at DOJ recognized organizations to provide immigration legal services for low-income individuals, making it a critical tool for expanding and improving legal services for communities across the country. For decades, nonprofit organizations have obtained this recognition and used it to assist immigrants with legal services, but many government entities may not be aware that they too can obtain DOJ recognition to better serve their communities. Government entities within municipalities such as public libraries, offices of immigrant affairs, and Departments of Health and Human Services benefit from this opportunity.

Jersey City's Department of Health and Human Services Division of Immigrant Affairs stands out as an innovator in this field. This toolkit – a collaboration between the New Americans Campaign (NAC), Catholic Legal Immigration Network, Inc. (CLINIC), and the City of Jersey City – aims to provide interested municipalities with an introduction and basic roadmap to obtaining DOJ R&A for agencies within local governments. With the help of this toolkit, public entities can create more equal, inclusive, and welcoming communities. Although this toolkit mainly describes the process of obtaining DOJ R&A for municipalities interested in providing immigration legal services through one of their agencies, other nonprofit, tax-exempt organizations can also benefit from the information contained in this resource.

The toolkit is divided into four sections. **Section 1** begins by providing an overview of immigration legal services. **Section 2** breaks down DOJ R&A benefits, eligibility, and considerations. **Section 3** provides an overview of how to apply for DOJ R&A. **Section 4** offers a sample workflow, best practices, and additional resources to help you apply.

DOJ R&A Program Description

According to the Executive Office for Immigration Review (EOIR), which administers the program:

“Federal regulations at 8 C.F.R. § 1292.1(a)(4) allow non-attorney ‘Accredited Representatives’ to represent aliens before the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR), which includes the immigration courts and the Board of Immigration Appeals (BIA). These representatives are accredited through the Recognition and Accreditation (R&A) Program, which aims to increase the availability of competent immigration legal representation for low-income and indigent persons, thereby promoting the effective and efficient administration of justice. Accredited Representatives may only provide immigration legal services through Recognized Organizations. Only non-profit, federally tax-exempt entities may apply to be recognized.”¹

DOJ recognition refers to the status of the organization, while accreditation refers to the individual who will be practicing immigration law at the recognized organization.

¹ <https://www.justice.gov/eoir/recognition-and-accreditation-program>



SECTION 1

OVERVIEW OF IMMIGRATION LEGAL SERVICES

What are immigration legal services?

Immigration legal services generally constitute legal advice, assistance, and/or legal representation for an individual to help them apply for an immigration benefit for themselves or a family member. These benefits often include:

- helping immigrants adjust their status to become lawful permanent residents (LPRs);
- assisting LPRs or U.S. citizens in petitioning for family members to come to the United States;
- applying for legal status under humanitarian or other means such as T and U visas, Temporary Protected Status (TPS), Deferred Action for Childhood Arrivals (DACA), Special Immigrant Juvenile Status (SIJS), etc.; and
- helping LPRs apply and become naturalized citizens.

Licensed attorneys and DOJ accredited representatives working for recognized agencies are the only individuals authorized to practice immigration law and legally qualified to provide immigration legal services.

How does an immigrant become a U.S. citizen?

For all immigrants, the pathway to U.S. citizenship begins with acquiring lawful permanent resident (LPR) status, also known as a green card. Common ways that immigrants acquire LPR status are through family petitions, humanitarian means, or through an employer.

After acquiring LPR status, individuals must wait a minimum of five years (three if married to a U.S. citizen) before they are eligible to apply for citizenship. Applicants must also fulfill several other eligibility requirements before they can become U.S. citizens. For example, an applicant must show they have “good moral character” and meet certain continuous residence and physical presence requirements. Additionally, unless an applicant qualifies for a language exemption, they must be able to speak, read, and write basic English and demonstrate knowledge and understanding of the fundamentals of U.S. history and government.

If an LPR meets all the requirements, they should feel confident completing the N-400 Application for Naturalization with the assistance of a lawyer or accredited representative. Once the application is complete, the LPR or their representative will submit the application to USCIS with the appropriate fee or fee waiver application. Applicants will then need to attend a biometrics appointment while they await their interview with USCIS. Many LPRs will also use this time to attend citizenship classes to practice their English for the interview and prepare for the U.S. civics exam.

On the interview date, the applicant will appear in person at a USCIS field office to meet with a USCIS officer who will review their naturalization application for eligibility and administer the English and U.S. civics exams. If USCIS approves the application, the applicant is then scheduled for an oath of allegiance ceremony where they must make a loyalty oath to the United States and support the Constitution and form of government of the United States. At the end of the ceremony, the applicant officially becomes a naturalized U.S. citizen and receives a naturalization certificate.



SECTION 2

DOJ RECOGNITION & ACCREDITATION BENEFITS, ELIGIBILITY, AND CONSIDERATIONS

Why should agencies in your municipality apply for DOJ R&A?

Benefits for new citizens, their families, and the community

When immigrants become U.S. citizens, new opportunities emerge, empowering them to improve their lives and those of their families and communities. New citizens can fully participate in the democratic process through voting and running for elected office and have access to better jobs and higher earning potential. Naturalized citizens tend to have rates of home ownership and average personal income that match or exceed those of native-born citizens.² Naturalization also promotes family cohesion and reunification. In many cases, naturalization automatically grants citizenship to minor children, and it expands and accelerates the petitioning process for family members living abroad to gain legal status to come to the U.S. Becoming a citizen eliminates the threat of deportation. When your municipality promotes and facilitates the naturalization process, the entire community benefits.

Maximize trust with immigrant residents

When new immigrants come to the U.S., there is an enormous opportunity to cultivate trust in government, especially local governments. With R&A, agencies within municipalities can serve as the helping hand that guides residents through the confusing regulations of the federal immigration system, provides reliable information, and combats misinformation concerning immigration law and benefits. Changes to immigration laws, regulations, and policies often cause confusion in immigrant communities. With an R&A program, accredited local government staff can speak authoritatively about changes to the immigration system and how they will impact immigrants. Helping residents become U.S. citizens builds trust with immigrant communities and bolsters the local government's reputation as a reliable service provider. An R&A program can also establish partnerships with other nonprofit service providers and cultivate a robust referral network. This, in turn, creates a more comprehensive system of services for immigrants.

Protect your agency against unauthorized practice of law

While municipal employees are eager to help their residents with various needs, they may be inadvertently committing the unauthorized practice of law by assisting with immigration questions and forms, even if the questions and forms seem simple and straightforward. With an established R&A program, accredited representatives at public agencies will be legally prepared and authorized to answer questions, complete forms, and provide legal guidance to residents.

Protection from immigration fraud

In many communities, there are not enough reputable low-cost or free immigration service providers to meet the demand for immigration legal services. As a result, immigrants regularly fall victim to unscrupulous and unlicensed individuals promising to assist with immigration benefits. Sometimes known as *notarios*, these individuals not only take immigrants' money under false pretenses but can also put immigrants at risk for detention or deportation due to improper representation.

A municipal agency's R&A program can help prevent *notario* fraud and unauthorized practice of immigration law by providing reliable information and a source of free or affordable immigration legal services.

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We've had dozens of residents with stories of abuse: domestic violence victims promised green cards; Afghans promised Temporary Protected Status; and even a blind citizenship seeker whose identification documents were held ransom in exchange for illegal fees. Thankfully, our R&A program has put a stop to a lot of it.

— Stacey L. Flanagan, Jersey City Director of Health and Human Services

² <https://cmsny.org/publications/citizenship-kerwin-warren/>

What are the eligibility requirements for DOJ R&A?

To be eligible for DOJ R&A, an organization must fulfill several basic criteria.³ It must:

- establish that it is a non-profit religious, charitable, social service, or similar organization, which can include agencies of local municipalities or entities such as public libraries;
- demonstrate that it provides immigration legal services primarily to low-income and indigent clients within the United States;
- demonstrate that it has current federal tax-exempt status or a pending application for tax-exempt status in the United States;
- identify at least one staff member or volunteer who will apply for and work as the organization's accredited representative; and
- have access to adequate knowledge, information and experience in all aspects of immigration law practice and procedure.

For more information on the eligibility criteria for DOJ R&A, please visit the Executive Office for Immigration Review (EOIR)'s [FAQ page](#) or review the Code of Federal Regulations at [8 C.F.R. § 1292.11–1292.20](#).

What is the difference between full and partial accreditation?

Individuals at DOJ recognized organizations can seek full or partial accreditation. A partially accredited representative can represent immigrants before the Department of Homeland Security (DHS) only, such as at a naturalization interview. A fully accredited representative can practice immigration law before DHS and within the immigration court system (overseen by the Department of Justice). Full accreditation requires more extensive training, including shadowing an immigration attorney within the immigration court system.

For an individual to be eligible for accreditation, they must demonstrate that they⁴:

- have the character and fitness to represent clients before the Immigration Courts and the Board (EOIR and BIA) or DHS (USCIS) or before all three authorities;
- are employed or are a volunteer at the organization;
- are not an attorney;
- have never encountered any disciplinary action that would have revoked or restricted their authorization to practice law in the past and have not resigned while disciplinary action was pending;
- have not been found guilty of or pleaded guilty to a serious crime;
- possess broad knowledge and adequate experience in immigration law and procedure; and
- possess skills essential for effective litigation (full accreditation only).

For more complete information on the eligibility criteria for accreditation, please visit the [EOIR's FAQ page](#) or review the Code of Federal Regulations at [8 C.F.R. § 1292.11–1292.20](#).

This toolkit explains in more detail how to meet these eligibility requirements in **Section 3: How to Apply for DOJ R&A**.

³ <https://icor.eoir.justice.gov/en/faq/>

⁴ *Ibid*



What are other considerations when applying for and maintaining DOJ R&A?

Services sites

R&A programs must identify the site or sites where they will provide immigration legal services. If the municipal agency plans on providing services at more than one site, it should include those locations in its application. It will need to identify a principal site and extension sites explicitly.

Practitioner jurisdiction

An accredited representative's credentials are tied to the recognized organization under which they applied; therefore, they can only provide immigration legal services under the auspices of their recognized organization.

Renewals

Conditional recognition status, which is granted when an organization applies for the first time, expires after two years. After the initial two-year period, the organization must renew its recognition every six years. Both partially and fully accredited representatives must renew their accreditation every three years.

Training

Accreditation applicants must meet the DOJ Office of Legal Access Programs (OLAP) requirement for having "broad knowledge and adequate experience" in immigration law. To meet this requirement, applicants need to attend immigration law trainings and provide documentation of attendance. Furthermore, all applicants must attend and pass at least one comprehensive course on the fundamentals of immigration law. One example is the Comprehensive Overview of Immigration Law (COIL) course, provided by [CLINIC](#). Note that to maintain and renew accreditation, representatives must receive ongoing training.

Technical assistance

R&A programs are required to demonstrate access to technical legal assistance. Common ways to meet this requirement are having an experienced immigration attorney on staff, signing a formal agreement with a local immigration attorney, or receiving technical support from another organization, such as through [CLINIC's affiliate program](#).

Law library

At a minimum, agencies applying for R&A must demonstrate access to the most recent versions of the [Immigration and Nationality Act](#) and [8 C.F.R.](#), which can be accessed online. However, it is recommended that organizations have access to additional resources (see [CLINIC's Application Support Materials](#) for more information).

Facilities and privacy protocols

R&A programs should have private space(s) to conduct sensitive consultations with immigrant applicants. Paper case files should be stored in a locked and private space, and electronic databases should be safe and secure to protect clients' confidentiality. This includes restrictions on access to client information to government staff outside of the immigration legal services program.

Determining what services your program will offer

At the beginning, an R&A program should define the types of immigration services it plans to provide and how it intends to handle needs outside of its scope of service. For example, while a municipal agency with R&A might be able to provide citizenship assistance, it might not be able to provide more complex services, like asylum petitions. A responsive referral network with other agencies is important, and residents should know what services your agency does and does not provide.

Service agreement and liability insurance

Anyone receiving help from a legal services agency should sign an agreement outlining the scope of the service. This is referred to as a client agreement or retainer. This document sets responsibilities and expectations for the services that will be provided (see examples [here](#)). This document is important so clients understand what the agency can and cannot do for them, and it helps protect the organization. It is recommended that legal services agencies purchase liability insurance.

SECTION 3

HOW TO APPLY FOR DOJ RECOGNITION & ACCREDITATION

This section outlines some of the main requirements to successfully receive and maintain DOJ R&A for your municipal agency. However, it is not an exhaustive list of everything you must include or all relevant considerations for successfully seeking recognition. You should carefully review the [EOIR website](#) and/or the Code of Federal Regulations at [8 C.F.R. § 1292.11–1292.20](#) for more information. Furthermore, NAC national partner [Catholic Legal Immigration Network, Inc. \(CLINIC\)](#) is an expert in DOJ R&A and has helped many organizations successfully navigate the process. For more information, see their [DOJ R&A Toolkit](#) and their [Application Support Materials](#).

Organizations seeking first-time recognition must submit a cover letter and Forms [EOIR-31](#) and [EOIR-31A](#) to the DOJ Office of Legal Access Programs (OLAP). If approved, these forms will grant recognition to the organization and approve one or more staff members as accredited representatives. The request for recognition of your agency (Form EOIR-31) needs to include the following documentation:

- Proof of non-profit status from appropriate state agency (if applicable)
- Organizing documents including statement of mission or purpose
- Description of legal services provided or to be provided
- Fee schedule and fee waiver/reduction policy (if applicable)
- Proof of federal tax-exempt status
- Immigration program budget for the current and prior year (or proposed budget if not yet offering immigration legal services)
- Description of legal resources your organization has access to
- Organizational chart identifying names and titles of immigration legal staff and supervisors at each location
- Resume(s) for attorney(s) on staff (if applicable)
- Proof of formal agreement(s) to consult with and/or receive technical legal support from private counsel, recognized organizations, or other qualified sources (if applicable)
- At least one application for staff accreditation

The request for accreditation of a staff member (Form EOIR-31A) needs to include:

- A resume with a description of the representative's qualifications, including education and immigration law experience
- A list of all relevant, formal, immigration-related trainings completed by the representative, including a course on the fundamentals of immigration law, along with certificates of completion or similar documentation for each training
- Two letters of recommendation from persons familiar with the representative's broad knowledge and adequate experience in immigration law and procedure

Forms EOIR-31 and EOIR-31A must be submitted to OLAP with all the required documentation. A copy of the complete application must also be sent to the local district office of USCIS. Both copies of the application can be submitted by mail or email. You can review steps for submission at the [EOIR website](#). As part of the application review process by the USCIS district office, an agent from the Department of Homeland Security may make an unannounced visit to your agency's site(s). USCIS may confirm that you have adequate space for private meetings and document storage, evaluate proposed funding streams, and interview staff applying for accreditation to verify their credentials.

The local district office has 30 days to issue a letter of recommendation or disapproval to OLAP. If the office recommends disapproving the application, the applicant can submit a response letter. Once the application is approved by OLAP, the organization will receive a first-time conditional recognition and must apply for renewal at the end of a two-year period. Note that the processing time by OLAP for recognition and accreditation applications can vary greatly and may take many months.

SECTION 4

SAMPLE WORKFLOW, BEST PRACTICES, AND SERVICE DELIVERY MODELS

Step-by-step sample workflow

Step 1: Eligibility screening

Before assisting a community member with an immigration application, a best practice is to ask a curated series of questions to assess options and confirm eligibility for the benefit type. For naturalization, this would include verifying basic eligibility criteria and assessing language proficiency to pass the English portion of the naturalization examination. An important part of any eligibility screening is also to determine if there are potential red flag issues, such as criminal activities, abandonment of residency, or other issues that might pose serious problems for their application or expose a client to criminal prosecution or deportation. Eligibility screenings can be done over the phone or in person in a private space. If your organization moves forward with providing services, you should have the client sign a service agreement. If, after the screening, you decide not to work with the individual, you should make sure they understand that your organization is not responsible for their case and is not representing them by giving them a letter of non-engagement.

Step 2: Document collection

To successfully complete an application, your client will need to gather multiple documents. For example, documentation required for a naturalization application includes the client's green card; passport; information on children, spouses, or other family members; and documentation on interactions with law enforcement, if applicable. To ensure that form preparation is accomplished as efficiently as possible, you will need to provide a detailed list of documents for your client to bring. You may also need to provide information on how to request specific records.

Step 3: Form preparation

Accredited staff will meet with the client and use the applicant's documents and verified verbal responses to complete an application to USCIS. Forms can be filled out by non-accredited personnel as preparers, but only accredited individuals or attorneys can offer legal review of immigration forms. Applicants should always review immigration forms before signing. Before the application can be sent to USCIS, it must include supporting documentation and any applicable fees or fee waivers.

Case notes, documentation, and open public records requirements

DOJ recognized organizations should implement a system of case notes to document what services were provided, next steps, and the outcomes of the case. These case notes should be stored in a secure location, and your program should develop practices and procedures to ensure that information is kept secure. Your organization should do research and consult with legal counsel to determine what requirements your state may have with respect to public records disclosure and consider how this may affect your R&A program. Staff members should familiarize themselves with requirements while establishing practices and protocols to protect clients' information.

Service delivery models

There are several ways your recognized program can choose to provide immigration legal services to clients. The model you choose may depend on multiple variables, including immigration benefit type, the complexity of each case, support from volunteers or other partner organizations, access to space and equipment, or other factors. Below are descriptions of a few service delivery models.

Model 1: One-on-one services

The one-on-one model matches a client with an accredited staff member to prepare an immigration application. Ideally, accredited staff are supported by a team to help offer advice and peer-review completed applications. An accredited staff member usually arranges an appointment for the client to come into the office to complete the application. This model is better suited for clients with complicated cases that may involve multiple touch points, intensive support from family members or interpreters, and the filing of waivers or other supplementary documents.



Model 2: Application workshops

Application workshops are intensive one-day events that bring together volunteers, attorneys, and immigrant-serving organizations to help a large number of applicants with relatively simple cases. Since its inception, the NAC has always championed the workshop model for naturalization cases, but immigration legal service providers have also used this model for other benefit types, such as Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS). Workshops also help to promote, educate, and raise awareness and interest in the community on the legal immigration benefits they provide. Although workshops take considerable time and effort to plan, when done well, they are the most efficient and effective way to help complete certain applications to USCIS. For more information on application workshops see [CLINIC's Naturalization Workshop Toolkit](#).

Model 3: Community outreach events

At community outreach events, accredited staff share general information about immigration benefits and requirements and help community members access legal services. In the case of naturalization, staff might discuss the benefits of and eligibility for naturalization in a group session with time for questions. The event also might include basic pre-screening with individual clients and referrals to a workshop, in-house appointment, or another reputable legal immigration service provider.

RESOURCES

- [Recognition and Accreditation \(R&A\) Program](#) (EOIR)
- [DOJ Recognition and Accreditation Toolkit](#) (CLINIC)
- [Application Support Materials](#) (CLINIC)
- [Naturalization Workshop Toolkit](#) (CLINIC)
- [Five Insights to Advance Naturalization with Local Government](#) (Cities and Counties for Citizenship)
- [New Americans Campaign](#) (NAC)

CONCLUSION

Immigration law is complex, and service providers require expertise and proper oversight to provide reliable, high-quality immigration legal services. DOJ Recognition and Accreditation allows non-attorneys at municipal agencies and nonprofit organizations to offer crucial legal support to low-income community members to access immigration benefits and assist them on their path to U.S. citizenship. Jersey City's Department of Health and Human Services Division of Immigrant Affairs offers an excellent example of local government creating a more inclusive and welcoming community through accessible immigration legal services. We encourage other municipal agencies to explore this option, starting with the information and resources in this toolkit. With the right strategy and preparation, DOJ Recognition and Accreditation is achievable and can benefit your entire community.