

**Overview of Board of Immigration Appeals Recognition and Accreditation**

Normally, in order to practice law in the United States, one must be admitted to a state legal bar.  However, the federal government has made an exception for the practice of immigration law.  “A non-profit religious, charitable, social service or similar organization established in the United States may be recognized by the Board of Immigration Appeals to provide low cost or free legal representation by its staff attorneys or accredited representatives.  To be recognized, an organization must establish that it makes only nominal charges, assesses no excessive membership dues for persons given assistance, and that it has at its disposal adequate knowledge, information, and experience in immigration law and procedure.” *See* 8 C.F.R. § 1292.2(a).  This is known as the recognition and accreditation process.  The Board of Immigration Appeals (BIA) is the appellate division of the Executive Office of Immigration Review (EOIR). EOIR is responsible for the nation’s immigration courts under the Department of Justice.  The BIA will only recognize the site where immigration law is being practiced.  Accreditation refers to the person practicing immigration law at that site.

Specific requirements for the recognition of an agency can be found at 8 C.F.R. § 1292.2 and §292.2.  These requirements include:

                1. The church or organization must have 501(c)(3) status.  A copy of the letter certifying the agency as tax-exempt must be submitted with the application.

                2. An organization must have at its disposal adequate knowledge, information and experience.  This includes a formal agreement with an immigration attorney or another agency to provide legal and technical support to the newly recognized church or non-profit organization.

                3. An organization agrees to charge only nominal fees from offering immigrant legal services and will not assess excessive membership dues for services rendered.

An application for accreditation of an individual may be filed concurrently with the recognition application.  In order to be ready to apply for accreditation, an individual must obtain proper training and experience working with either an immigration attorney or a BIA accredited individual working at a recognized agency.  A church or organization must have at least one trained individual ready to apply for accreditation in order for recognition to be considered.  Before applying for recognition and accreditation, a church or organization should identify a location where services will be rendered; have seed funding to begin a program; and identify at least one person to apply for accreditation who will be responsible for ensuring the programs runs smoothly.