

## APPENDIX 12-4: SAMPLE DENIAL LETTER TO BIA RECOGNITION & ACCREDITATION PROGRAM COORDINATOR

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Name of Field Office  
Street Address  
City, State Zip Code



U.S. Citizenship  
and Immigration  
Services

[MONTH DAY, YEAR]

Recognition & Accreditation Program Coordinator  
Executive Office for Immigration Review  
Board of Immigration Appeals, Clerk's Office  
Post Office Box 8530  
Falls Church, VA 22041

Subject: Form EOIR-31 "Request for Recognition as a Non-Profit Religious, Charitable, Social Service, or Similar Organization" of [NAME OF ORGANIZATION]: **USCIS Recommendation Against Approval**

Dear Coordinator:

On [DATE], this office received a "Request for Recognition as a Non-Profit Religious, Charitable, Social Service, or Similar Organization" (EOIR-31) filed by [NAME OF ORGANIZATION]. USCIS has reviewed Form EOIR-31, conducted an inquiry, and in compliance with 8 CFR 292.2(b) submits its recommendation to the Board of Immigration Appeals (BIA).

USCIS recommends that the BIA **not** approve the Form EOIR-31 filed by [NAME OF ORGANIZATION]. In determining whether to submit a recommendation for or against approval of the EOIR-31 filed by [NAME OF ORGANIZATION], this office reviewed Form EOIR-31, evidence of non-profit status, proposed fees, the type of services that will be provided, and evidence that the organization possesses sufficient knowledge, information, and experience in immigration law to provide adequate services to USCIS applicants. This included a review of relevant training certificates, letters from attorneys or other BIA recognized organizations, and awards given to [NAME OF ORGANIZATION].

Based on this review, this office has determined that the organization does not appear to meet the qualifications for BIA recognition for the following reasons: [PICK ALL THAT APPLY]

- [NAME OF ORGANIZATION] does not appear to have adequate training in or knowledge of immigration law to be able to provide immigration legal services to USCIS applicants and petitioners.

- [NAME OF ORGANIZATION] has not demonstrated that it has reliable and ongoing access to legal supervision by an attorney with immigration legal expertise.
- [NAME OF ORGANIZATION] proposed fees do not qualify as “nominal” charges.
- In the course of its review, the district office has determined that [NAME OF ORGANIZATION] is the subject of a current investigation or prosecution for violations relevant to the EOIR-31 (e.g., consumer fraud, unauthorized practice of law, etc.).
- [NAME OF ORGANIZATION] has not established that it is a non-profit religious, charitable, social service or similar organization.

**If applicable:**

This office has also conducted background checks, reviewed media reports and other public sources, consulted with the state bar [OR OTHER STATE/LOCAL AUTHORITIES, IF APPLICABLE], and has found adverse information regarding [NAME OF ORGANIZATION]. [PROVIDE A SUMMARY OF ADVERSE INFORMATION IN THIS SECTION].

**If USCIS has met with the organization:** In addition, the District Office staff has visited the [NAME OF ORGANIZATION] offices and met with both leadership and staff members. During this meeting, [NAME OF ORGANIZATION's] staff did not demonstrate the ability to provide immigration legal services.

**If USCIS has not met with the organization:** Representatives or employees of [NAME OF ORGANIZATION] have never visited the [XX] District Office. Despite attempts to contact the organization to discuss its interest in pursuing BIA recognition, USCIS has been unable to reach the organization or has not been able to obtain enough information to establish that the organization merits a favorable recommendation that it be granted recognition.

The EOIR-31 request filed by [NAME OF ORGANIZATION] has not established that it makes only nominal charges and assesses no excessive membership dues for persons given assistance nor that it has at its disposal adequate knowledge, information and experience, as required by 8 CFR 292.2(a). USCIS does not recommend approval of the EOIR-31 filed by [NAME OF ORGANIZATION].

Sincerely,

[DISTRICT DIRECTOR'S NAME]

District Director