

NARRATIVE OF CHANGES FOR NON-SUBSTANTIVE CHANGE REQUEST

List of Pro Bono Legal Service Providers for Individuals in Immigration Proceedings (Form EOIR-56)

Aliens who are placed in removal proceedings pursuant to section 240 of the Immigration and Nationality Act (Act or INA), or who seek asylum under section 208 of the Act (whether or not in removal proceedings), must be provided with a list of persons who have indicated their availability to represent aliens on a pro bono basis. See INA § 208(d)(4)(B) (relating to asylum proceedings), and INA § 239(a)(1)(E), (b)(2) (relating to removal proceedings). In order to meet this statutory obligation, the Executive Office for Immigration Review (EOIR) publishes the List of Pro Bono Legal Service Providers (List). The regulations governing the List were first promulgated on February 28, 1997, at 62 FR 9071, and are found at 8 CFR 1003.61-1003.65. On October 1, 2015, EOIR published a Final Rule at 80 FR 59503, amending 8 CFR parts 1003, 1240, and 1241, to enhance the eligibility requirements for organizations, private attorneys, and referral services to be included on the List. The complete List is posted on the EOIR Web site. See <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>.

The List is central to EOIR's efforts to improve the amount and quality of representation before its adjudicators, and it is an essential tool to inform aliens in proceedings before EOIR of available pro bono legal services. When EOIR published the final rule in 2015, it created a fillable pdf. form for organizations, private attorneys, and referral services to use to request to be included on the List. EOIR created the form in response to public comments to the Notice of Proposed Rulemaking suggesting that EOIR look for alternative electronic methods through which to make an initial application and apply for continued participation. In the final rule, EOIR indicated that it “EOIR is considering, in the future, permitting prospective and current

providers to electronically submit a wide range of documents. Such documents could include applications to appear on the List, declarations that a provider remains qualified to appear on the List, requests to be removed from the List, responses to inquiries and notices from EOIR, and notifications of changes in information or status.” EOIR has since developed an online electronic system for applying for inclusion on the List. In 2017, EOIR had nearly completed development of the online system and had sought to discontinue use of the paper-based pdf. application form and replace it with the electronic filing option. OMB approved EOIR’s Information Collection Request to begin use of the electronic filing option in September 2017. Unfortunately, EOIR was unable to launch the electronic filing option on account of having lost the contract with the IT firm that developed the system. EOIR is actively working to complete development of the electronic filing system using internal IT resources. However, until the system is ready for use, EOIR needs to revert back to use of the fillable pdf. version of form. EOIR anticipates completion of the electronic filing system by the end of FY 2019.

EOIR has made some non-substantive changes to the pdf. version of the form, including several formatting changes and word choice for the purpose of making the forms clearer, more useful and easier to understand for the public in compliance with the Plain Writing Act. EOIR has not made any substantive changes to the form or the collection.