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Jeff Rosenblum, General Counsel
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041.

Submitted via: www.regulations.gov
EOIR Docket No. 138F

Re: DOJ EOIR Final Rule on Registry for Attorneys and
Representatives, Docket No. EOIR 138F, A.G. Order No. 3377-2013,
RIN 1125-AA39, 78 Fed. Reg. 19400 (April 1, 2013)

Dear Mr. Rosenblum,

The American Immigration Lawyers Association (AILA) submits the following comments in response to the Executive Office for Immigration Review's (EOIR's) final rule on "Registry for Attorneys and Representatives," EOIR Docket No. 138F.

AILA is a voluntary bar association of more than 12,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. Our mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. AILA appreciates the opportunity to comment on this final rule and believes that our members' collective expertise provides experience that makes us particularly well-qualified to offer views that will benefit the public and the government.

AILA commends EOIR for moving forward with an electronic registration system for attorneys and accredited representatives. The registration system is the first step towards an electronic case access and filing system that will improve the administration of cases before the immigration courts and the BIA. Given that almost 10 years have elapsed since the publication of the proposed rule on the attorney/representative registry, we hope that EOIR will continue to move toward implementing the case access and filing system as quickly as possible. We also thank EOIR for the significant outreach it has conducted to spread the word about electronic registration, which will undoubtedly help attorneys and accredited representatives navigate the new process. The FAQs, instructions, and court-specific information

about how attorneys and accredited representatives should validate their identity in the second step of the registration process are all extremely helpful.

However, recognizing that this process change is a major shift from decades of practice, AILA urges EOIR to be as flexible as possible during the initial registration period, especially when implementing the validation process. Many attorneys will be required to travel long distances in order to go through the validation process at an offered immigration court. Others appear before immigration courts relatively infrequently – a few times a year or less – and may not be aware of the registration requirement. Still others, who frequently appear at remote hearing locations, may not be able to attend an appointment during specifically designated windows of time due to prior commitments.¹ More flexibility in the dates and times that attorneys are able to validate their identities in person will encourage more people to register in a timely and efficient manner. Likewise, AILA suggests that EOIR make the ongoing registration and identity validation process as easy and clear as possible for new attorneys and pro bono attorneys who begin practicing in immigration courts after December 10, 2013.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

¹ For example, the Louisville, KY hearing location is a remote site for the Memphis, TN immigration court. According to the EOIR website (at <http://www.justice.gov/eoir/sibpages/eRegistryValidation/Memphis.pdf>, last visited May 28, 2013), the Louisville location will only conduct the validation process for three days in June. Attorneys who cannot attend during those three days will have to go to the Memphis court, which is over five hours away from the Louisville location, or to another immigration court that is farther from Louisville.