

PRACTICE ADVISORY**Practice Alert: OIL Accepts Limited Representation Forms for Pro Se Petitioners with
Pending PFRs**

July 11, 2023

Recognizing the challenges that pro se noncitizens face in navigating options for resolving petitions for review (PFRs) through negotiations with government attorneys from the Department of Justice's Office of Immigration Litigation (OIL), OIL has recently agreed to accept limited representation forms from attorneys who have not entered an appearance in the PFR but who are able to provide limited representation for the purpose of negotiating resolutions of a PFR, including through requests for prosecutorial discretion. OIL attorneys will now agree to engage with attorneys providing such limited representation in discussions such as negotiating remand or different forms of prosecutorial discretion, without the attorney having to commit to full representation or enter an appearance on the PFR. To engage in this negotiation, the attorney and pro se petitioner must complete [this limited representation form](#).

Pursuant to these discussions, the Director of OIL has advised attorneys that if they are handling a PFR involving a pro se petitioner and are contacted by an immigration attorney who wants to discuss the case but has not entered an appearance, the OIL attorney is authorized to discuss the case and should do so if:

- The immigration practitioner sends the OIL attorney a completed (limited) representation form;
- The issue(s) the practitioner wants to discuss are within the scope of the representation as set forth in the representation agreement.

OIL further advised its attorneys that in terms of any pleadings that the OIL attorney files in the case, the OIL attorney should continue to serve the pro se Petitioner, but should send a courtesy copy to the immigration practitioner if such pleading relates to a matter within the scope of the representation agreement or is relevant to the discussions/negotiations between the practitioner and OIL attorney.

We are hopeful that this process will lead to better outcomes for noncitizens whose attorneys wish to continue to advocate on their behalf but cannot commit to full representation on a PFR.

NIPNLG is grateful to our partners at AILA, Bronx Defenders, CAIR Coalition, the Florence Project, Legal Aid Justice Center, Make the Road NY, NIJC, NWIRP, and RMIAN for joining us in this advocacy with OIL.

We thank our members for bringing this important issue to our attention, and hope this form and process will be helpful to your support of pro se petitioners.