

## **SUPPORTING STATEMENT**

### **G-28 and G-28I**

#### **Notice of Entry of Appearance as Attorney or Accredited Representative; Notice of Entry of Appearance of Foreign Attorney**

**OMB No. 1615-NEW**

1. 8 CFR parts 103.2 and 292.1 allow persons entitled to representation to be represented in matters before U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, Department of Homeland Security (DHS). Representatives must file an appearance on the appropriate form in each case.
2. The data collected on Forms G-28 and G-28I are used by DHS to determine eligibility of the individual to appear as a representative. Form G-28 is used by attorneys admitted to practice in the United States and accredited representatives of charitable organizations recognized by the Board of Immigration Appeals. Form G-28I is used by attorneys admitted to the practice of law in countries other than the United States and only with matters filed in DHS offices outside the geographical confines of the United States. If the representative is eligible, the form is filed with the case and the information is entered into DHS systems for whatever type of application or petition it may be.
3. The use of this form provides the most efficient means for collecting and processing the required data. This form can be e-filed.
4. A review of DHS Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available which can be used for this purpose.
5. This collection of information does not have an impact on small businesses or other small entities.
6. If the information is not collected, DHS will not be able to determine whether individuals are eligible to appear as representatives. If the information is not collected, DHS will not be able to document the necessity of communicating on matters with the eligible representative.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. USCIS is requesting emergency review for this information collection. USCIS published a 30-day notice in the Federal Register on August 7, 2008, at 73 FR 46028. USCIS is requesting that comments be submitted to

USCIS and the period.

USCIS OMB Desk Officer during this 30-day comment

9. DHS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. There is no assurance of confidentiality.
11. There are no questions of a sensitive nature.
12. Annual Reporting Burden:

a.	Number of Respondents	2,479,000	
b.	Number of Responses per each Respondent	1	
c.	Total Annual Responses	2,479,000	
d.	Hours per Response		.333
e.	Total Annual Reporting Burden	825,507	

**Total annual reporting burden hours is 825,507.** This figure was derived by multiplying the number of respondents (2,479,000) x frequency of response (1) x hours per response 20 minutes (.333). The number of estimated respondents was derived from the following information from USCIS, ICE and CBP:

USCIS: The average number of applications/petitions filed in a fiscal year, based on a review of FY 2003 through 2007, is 7,000,000. Applications and petitions are not always filed with this form as the law does not require that individuals be represented in proceedings before DHS. When the form is filed, it is frequently filed with multiple applications/petitions. For this purpose, DHS estimates that one third, or 2,389,500, of all applications/petitions are filed with this form.

ICE: The form is most frequently filed with ICE in conjunction with proceedings before the Executive Office for Immigration Review (EOIR). Individuals are not required to be represented before the EOIR, nor are they provided counsel at the expense of the government. The form is also filed in conjunction with administrative removal proceedings before ICE officials. The average number of individuals in proceedings before EOIR is 118,000. For this purpose, DHS estimates that three-quarters (75%), or 88,500, forms are filed with DHS by the attorneys or accredited representatives of individuals in proceedings before EOIR.

CBP: The form is not frequently filed with CBP in conjunction with proceedings before the agency. The form is occasionally improperly filed with FOIA and other record requests and may be filed when an attorney appears at a Border Patrol station and wishes to represent a client in custody. For this purpose, DHS estimates that 1,000 forms may be filed in a fiscal year with CBP.

13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this collection are identified in question 14. There is no fee associated with this information collection.

14. Annualized Cost Analysis:

Printing Cost	\$ 2,500
Collecting and Processing	\$ 33,017,780
Total Cost to Program	\$ 33,020,280
Fee Charge	\$ 0
Total Annual Cost to Government	\$ 33,020,280

Government Cost

**The estimated cost to the Government is \$33,020,280.** This figure is calculated by multiplying the estimated number of respondents 2,479,000 x 20 minutes (.333) (time required to collect and process information) x \$40 (Suggested average hourly rate for clerical, officer, and supervisory time with benefits). In addition, this figure includes the estimated overhead cost for printing, stocking, and distributing the form which is \$2,500.

Public Cost (No Fee Charge)

**The estimated annual public cost is \$46,987,858.** This is based on the number of respondents (2,479,000) x 20 minutes (.333) per response x \$56.92 (average hourly rate).

15. There has been an increase of 825,507 burden hours because this is a new information collection.

16. DHS does not intend to employ the use of statistics or the publication thereof for this collection of information.

17. DHS will display the expiration date for this information collection.

18. DHS does not request an exception to the certification of this information collection.

**B. Collection of Information Employing Statistical Methods.**

Not Applicable.

**C. Certification and Signature.**

**PAPERWORK CERTIFICATIONS**

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

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