

**SUPPORTING STATEMENT
G-28 and G-28I**

**Notice of Entry of Appearance as Attorney or Accredited Representative; Notice of Entry of
Appearance as Attorney In matters Outside the Geographical Confines of the United States
OMB No. 1615-0105**

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

8 CFR 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. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

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 in matters 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. Form G-28 is being revised (see table of changes).

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The use of this form provides the most efficient means for collecting and processing the required data. This form can be completed electronically on the USCIS Web site but cannot be e-filed.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

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. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

This collection of information does not have an impact on small businesses or other small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

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. Explain any special circumstances that would cause an information collection to be conducted in a manner: requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years; in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study; requiring the use of a statistical data classification that has not been reviewed and approved by OMB; that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by

The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address

comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On October 12, 2011 USCIS published a 60-day notice in connection with this information collection in the Federal Register at 76 FR 63322. USCIS received one comment on the 60-day notice. The following is a summary of the comments and USCIS response:

The commenter expressed general support for the use of the Form G-28 in the administration of immigration benefits for represented parties and for the form being approved under this information collection request. The commenter provided no suggestions for reducing the burden on the public for preparing and executing the Form G-28. No changes were made to the form as a result of the comment.

On February 28, 2012 USCIS published a 30-day notice in connection with this information collection in the Federal Register at 77 FR 12071. USCIS has not received any public comments to date.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

DHS does not provide payments or gifts to respondents in exchange for a benefit sought.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There is no assurance of confidentiality. The information requested on these forms is associated with a separate benefit request that is authorized by the Immigration and Nationality Act. These forms typically require no additional supporting evidence or attachments. The primary purpose for providing the requested information on this benefit request is to obtain the necessary information to document the eligibility of the attorney or accredited representative of the applicant or petitioner. The information the applicant/petitioner/attorney or accredited representative provides is voluntary; however, failure to provide the requested information will result in failure to associate the applicant's benefit request with the appearance of an attorney or accredited representative. The information the applicant provides on this benefit request may be shared with other Federal, State, local, and foreign government agencies and authorized organizations following approved routine uses described in the associated

published system of record notices [DHS-USCIS-007 – Benefits Information System, which can be found at www.dhs.gov/privacy]. The associated Privacy Impact Assessment is Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum, dated September 5, 2008. The information may also be made available, as appropriate, for law enforcement purposes or in the interest of national security.

Form G-28 is also covered by System of Records Notices (SORN), [DHS/USCIS 001 – Alien File, Index, and National File Tracking System of Records, dated June 13, 2011. The SORN can be assessed at www.dhs.gov/privacy].

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to person’s form whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

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 are 825,507. This figure was derived by multiplying the number of respondents (2,479,000) x (1) frequency of response x (.333 hours) 20 minutes per response.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

There are no capital or start-up costs associated with this information collection. There is no fee associated with this information collection.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Annualized Cost Analysis:

Printing Cost	\$ 100,000
Collecting and Processing	\$ 32,920,280
Total Annual Cost to the 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 (1) frequency of response x (.333 hours) 20 minutes (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 \$100,000.

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

Although this form is being revised it will not take longer to complete. Accordingly, there is no increase or decrease in burden hours currently approved in the OMB inventory. Only Form G-28 and its instructions are being revised. The revisions to the form and instructions reflect the new 2-column and 2D-barcode design and changes necessary to accommodate law students and their sponsors using the form. Form G-28I is not being revised at this time.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

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

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

USCIS will display the expiration date for this information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

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

B. Collection of Information Employing Statistical Methods.

Not Applicable.

