

**SUPPORTING STATEMENT FOR
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 Control No.: 1615-0105
COLLECTION INSTRUMENTS: G-28; G-28I**

A. Justification

- 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.**

The G-28 is based on DHS having the authority to discipline attorneys who represent clients in immigration matters before DHS. The authority for that is the Secretary of Homeland Security's (Secretary) authorities under the Homeland Security Act of 2002, Public Law 107-296, section 102, 116 Stat. 2135, 6 U.S.C. 112, and the Immigration and Nationality Act of 1952, as amended (INA or Act), section 103(a), 8 U.S.C. 1103(a), to administer and enforce the immigration and naturalization laws and to discharge other related DHS functions. Under such authorities, DHS regulates immigration practitioners appearing or seeking to appear before U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection (CBP).

8 CFR 103.2 and 292.1 allow persons entitled to representation to be represented in matters before U.S. Citizenship and Immigration Services (USCIS), 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 is 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.

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.**

Both the G-28 and the G-28I are available electronically from USCIS's Internet website at <http://www.uscis.gov/forms>. They can be completed online, printed and mailed to the agency. USCIS has also made both forms available for electronic completion and submission through the ELIS system at <http://www.uscis.gov/uscis-elis>.

USCIS is exploring the development of an on line tool to assist requestors in filling out the forms associated with a request for DACA.

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.**

The information collected via these forms, which allows a person to represent someone else in front of USCIS, is not available anywhere else and is unique to these forms.

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.**

Persons completing these forms may be employed as a small business; the information required via these forms is the minimal amount necessary to properly identify their qualification to represent others. USCIS has made every effort to limit the time burden required to complete these forms.

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 determine if the person is eligible to represent another in matters before the USCIS.

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 law.**

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

- 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 May 19, 2014 USCIS published a 60-day notice in the Federal Register at 79 FR

28757. USCIS did receive comments after publishing that notice. The responses to these comments can be found in the rule published at 79 FR 64299 on October 29, 2014.

On October 29, 2014, USCIS published a 30-day notice in the Federal Register as part of the associated rule at 79 FR 64299. USCIS did not receive comments.

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

USCIS does not provide any payment for 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 001 – Alien File, Index, and National File Tracking System of Record
DHS-USCIS-007 - Benefits Information System
DHS/USCIS-010 - Asylum Information and Pre-Screening
DHS/USCIS-015 - Electronic Immigration System-2 Account and Case Management System of Records

The associated Privacy Impact Assessments are:

DHS/USCIS/PIA-015- Computer Linked Application Information Management System (CLAIMS 4)
DHS/USCIS/PIA-016 - Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum (CLAIMS)
DHS/USCIS/PIA-024 - Electronic Filing System (e-Filing)
DHS/USCIS/PIA-027- Refugees, Asylum, and Parole System (RAPS) and the Asylum Pre-Screening System (APSS)

- 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 persons from 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. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate*	Total Annual Respondent Cost
Businesses or other for-profit	Notice of Entry of Appearance as Attorney or Accredited Representative / G-28 Paper filing	2,778,700	1	0.833	2,314,657	\$88.10	\$203,921,291
Businesses or other for-	Notice of Entry of Appearance as	281,950	1	0.667	188,061	\$88.10	\$16,568,143

profit	Attorney or Accredited Representative / G-28 ELIS filing **						
Businesses or other for-profit	Notice of Entry of Appearance as Attorney In matters Outside the Geographical Confines of the United States / G-28I Paper Filing	25,057	1	0.700	17,540	\$88.10	\$1,545,265
Total		3,085,707			2,520,258		\$222,034,699

** The above Average Hourly Wage Rate is derived from the May 2012 Bureau of Labor Statistics Mean Hourly Wage for “Lawyers”. The wage rate of \$88.10 is calculated from the base average wage rate of \$62.93 times the wage rate benefit multiplier of 1.4.*

For purposes of these estimates, this supporting statement assumes that the deferred action policies announced in November 2014 will ultimately be able to be implemented.

The total number of respondents includes the addition of 1,290,000 persons requesting Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). USCIS estimates that 50%, or 645,000 DAPA respondents will have attorney representation or representation by an accredited representative.

The total number of respondents includes the addition of 90,000 persons requesting Deferred Action for Childhood Arrivals (DACA). USCIS estimates that 50%, or 45,000 DACA respondents will have attorney representation or representation by an accredited representative.

***The Notice of Entry of Appearance as Attorney or Accredited Representative with the USCIS ELIS environment is represented by three sets of screenshots.*

- 1) The screenshots filename “Representative Account Profile Creation Process” presents the process where an attorney or accredited representative creates an account in USCIS ELIS. This is only required once.*
- 2) The screenshots filename “ELIS2 Rep EFILE Screenshots for G-28 and I90 V0 1” presents the process where the representative completes the necessary data for form completion on behalf of the client. The I-90 form detail is shown for informational purposes – it is not part of the G-28 submission.*
- 3) The screenshots file name “Client Review of G-28 I-90 filed by Rep” presents the process where the client accepts the representation of the attorney or accredited representative and acknowledges the filing of the form. The I-90 form detail is shown for informational purposes – it is not part of the G-28 submission.*

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).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995; (2) to achieve regulatory compliance with requirements not associated with the information collection; (3) for reasons other than to provide information or keep records for the government; or, (4) as part of customary and usual business or private practices.**

There are no capital or start-up costs, no operational or maintenance costs associated with this 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	\$ 41,142,760
Total Annual Cost to the Government	\$ 41,242,760

Government Cost

The estimated cost to the Government is \$41,242,760. This figure is calculated by multiplying the estimated number of respondents (3,085,707) 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.

(From Question 12 above)

Information Collection Instrument	Program Change			Adjustment		
	Current OMB-Approved Hours Burden	New Hours Burden	Difference	Current OMB-Approved Burden Hours	New Hours Burden	Difference
G-28				825,507	2,520,258	1,694,751
Total(s)				825,507	2,520,258	1,694,751

The total number of hour burden has increased due to the better estimation of the number of G-28 forms filed, the increase in the information collected, and the increase in the number of pages for the instructions. The total annual hour burden also increased due to the addition of the DAPA respondents. The changes made to the form and instructions are identified in the separate tables of changes.

- 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.**

This information collection will not be published for statistical purposes.

- 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 OMB approval of 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.**

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

- B. Collections of Information Employing Statistical Methods.**

There is no statistical methodology involved with this collection.