

Written Narrative of Proposed Changes: EOIR-28 Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court

(Highlighted provisions indicate where a change will occur; italics denote an addition to the text; and the strikethrough denotes where text should be removed)

Footers on each page

1. Change the revision date from “~~Oct. 2014~~” to “[appropriate month] 2015”

Page 1 First Box, Right Column: “ALIEN (A) NUMBER (S)”

1. Split box horizontally, and add a new box below the existing box providing the following information for the practitioner to designate they type of appearance:

<p>Entry of appearance for (please check one of the following):</p> <p><input type="checkbox"/> All proceedings</p> <p><input type="checkbox"/> Custody and bond proceedings only</p> <p><input type="checkbox"/> All proceedings other than custody and bond proceedings</p>
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Page 1 Box “**Attorney or Representative (please check one of the following):**”

1. Amend the existing paragraph by adding the additional highlighted language as follows: “I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representations before the Immigration Court. **By signing this form, I consent to publication of my name and any findings of misconduct by EOIR, should I become subject to any public discipline by EOIR pursuant to the rules and procedures at 8 C.F.R. 1003.101 et seq.** I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.”

Page 2, Instructions:

1. Amend the section titled “APPEARANCES” by adding the highlighted language as follows:
“An attorney or Accredited Representative (with full accreditation) must register with the EOIR eRegistry in order to practice before the Immigration Court (see 8 C.F.R. § 1292.1(f)). Registration must be completed online on the EOIR website at www.justice.gov/eoir. An appearance shall be filed on a Form EOIR-28 by the attorney or representative appearing in each case before an Immigration Judge (see 8 C.F.R. § 1003.17). A Form EOIR-28 shall be filed either as an electronic form, or as a paper form, as appropriate (for further information, please see the Immigration Court Practice Manual, which is available on the EOIR website at www.justice.gov/eoir). The attorney or representative must check the box indicating whether the entry of appearance is for custody and bond proceedings only, for all proceedings other than custody and bond, or for all proceedings including custody and bond. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under the provisions of 8 C.F.R. part 1003, he/she is

authorized and qualified to represent individuals and will comply with the EOIR Rules of Professional Conduct in 8 C.F.R. § 1003.102. Thereafter, substitution or withdrawal may be permitted upon the approval of the Immigration Judge of a request by the attorney or representative of record in accordance with 8 C.F.R. § 1003.17(b). Please note that although separate appearances in custody and non-custody proceedings are permitted, appearances for limited purposes within those proceedings are not permitted. See *Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). A separate appearance form (Form EOIR-27) must be filed with an appeal to the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(g)). Attorneys and Accredited Representatives (with full accreditation) must first update their address in eRegistry before filing a Form EOIR-28 that reflects a new address.”

2. Amend the section titled “PRIVACY ACT NOTICE” by adding the following language to the end of the paragraph: “Furthermore, the submission of this form acknowledges that an attorney or representative will be subject to the disciplinary rules and procedures at 8 C.F.R. 1003.101 *et seq.*, including, pursuant to 8 C.F.R. §§ 292.3(h)(3), 1003.108(c), publication of the name of the attorney or representative and findings of misconduct should the attorney or representative be subject to any public discipline by EOIR.”