

Responses to 60-day FRN Public Comments
Form G-28 Revision

Comment #	Public Comments	USCIS Response
Comment 1.	Commenter: Aurora de la Cruz	
	Will it be possible to lengthen the space for the email address of the accredited representative in G-28? My email address is quite long and does not fit in the current space. Thank you.	Response: Thank you for your comment. Form G-28 allows for 38 characters in email address fields. USCIS is not making changes to the field lengths at this time. If additional space or explanation is needed, Part 6. Additional Information can be used.
Comment 2.	Commenter: Lizz Cannon, Esq.	
	Thank you for providing an opportunity to comment. The largest issue is that G28s do not have a separate field for WHERE the receipts and notices should be sent. Often overseas addresses are not secure or clients have P.O. Boxes. There should be an option for a third address for delivery. Meaning: a section for Attorney address, client physical address, and client's preferred address of delivery. Also, G28s are not structured to accept foreign addresses at all. The fields should be configured to allow it. Regards, Lizz Cannon, Esq.	Response: USCIS is not adding a delivery address at this time, but may take this recommendation into consideration in a future revision of Form G-28. Address fields on Form G-28 do allow for Province, Postal Code, and Country to be provided. Those are the fields USCIS uses to identify a non-U.S. address.
Comment 3.	Commenter: Glenn Schieck, Esq., Harter Secrest & Emery LLP	
	Dear Sir/Madam, In amending the Form G-28, I recommend including an option to allow represented individuals to permit an attorney's staff members and colleagues to communicate with USCIS on their behalf. This could be a simple checkbox authorizing such communication, or a space where the represented individual could list specific people authorized to communicate with USCIS on their behalf.	Response: Form G-28 is used to designate the client's attorney or accredited representative. USCIS considers an attorney or accredited representative an individual, not an entity. There are potential privacy issues with allowing an entity to be designated as a "representative." For this reason, USCIS requires that clients (i.e. applicants, petitioners, requestors, beneficiaries, derivatives and respondents) specifically identify individuals with whom USCIS is allowed to share information about their case(s).

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	<p>Under a recent change to practice, USCIS Service Centers refuse to speak with anyone other than the applicant, petitioner, or the attorney of record listed on a Form G-28. This practice creates a tremendous logistical challenge for law firms that work as teams of attorneys, paralegals, and staff. In many cases, calls to USCIS are to correct a clerical error, follow up on the status of a case, or to place a service request for a case that is outside of processing times. It is highly impractical for the single attorney listed on a G-28 to conduct all of these calls personally with the immigration service, and this provides no recourse in emergencies where the listed attorney may be out of the office.</p> <p>When clients engage a law firm for representation, they engage the firm as a whole, rather than a particular attorney. In amending the form to authorize more individuals to correspond with USCIS about a particular case, the G-28 would recognize this practice, eliminate a logistical challenge, and allow represented individuals to control the privacy of their information in a more direct way.</p> <p>Glenn Schieck, Esq. Harter Secrest & Emery LLP 1600 Bausch and Lomb Place Rochester, NY 14604</p>	
<p>Comment 4.</p>	<p>Commenter: Jessica Anlauf, Director, Immigration Crime Victim Advocates</p>	
	<p>Contrary to 8 U.S. Code 1186a, which specifically states when an alien's conditional residency has been terminated due to a finding that the qualifying marriage is improper, DHS "shall so notify the parties involved," USCIS is ONLY informing the immigrant.</p>	<p>Response: USCIS is not making any changes to the forms or instructions as a result of this comment, as it did not raise any issues related to this collection of information.</p>

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	<p>That in turn denies the spouse or sponsors any knowledge of an open proceeding which the spouse/sponsor is a rightful "party" to. Without knowledge of the proceeding, the spouse/sponsor is unable to participate in that proceeding, even though the very subject of that proceeding involves the validity of the spouse's relationship, and the original application which included the sponsor's contract.</p> <p>This also means, USCIS is failing to inform ALL PARTIES, including the US Citizen of the attorney representation of the alien, and the US Citizen is then unable to contact such attorney.</p> <p>According to the Administrative Procedures Act (APA), 5 U.S. Code 556(d) "A party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts."</p> <p>All communications throughout immigration proceedings are currently done so through ex-parte communications, denying the spouse/sponsor any ability to present his case or defense, submit rebuttal evidence or conduct any cross-examinations. Therefore spouses/sponsors are denied procedural due process.</p> <p>The Spouse/Sponsor must be notified of the Attorney representing the other party, and must be granted access to that information when requesting it from USCIS.</p> <p>The APA also allows for those who have been "adversely affected" to request judicial review of the decision.</p>	
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	<p>Sponsors/spouses are incapable of ever filing an appeal if the outcome of the proceeding is withheld from them.</p> <p>Spouses/Sponsors who are made aware that an attorney has filed false information, filed an ex-parte communication, etc. are unable to request sanctions against the attorney, because USCIS is withholding that information from them. If the information is maintained by USCIS it must also be accessible to ALL PARTIES involved.</p>	
<p>Comment 5.</p>	<p>Commenter: Kelsey Harris, American Immigration Lawyers Association (AILA)</p>	
	<p>Form G-28</p> <ul style="list-style-type: none"> • Throughout the proposed form, there are references to “Beneficiary or Derivative.” For clarity, those references should be changed to “Principal Beneficiary” and “Derivative Beneficiary,” or something that similarly separates the two types of individuals. • Page 1, Part 1: The proposed form removes the field for the Attorney or Accredited Representative’s fax number. While facsimile may be considered an outdated form of communication, some service centers still utilize fax as a method to communicate with attorneys, and emails can sometimes get lost or filtered into spam folders. The fax number field should be added into the sub-section in Part 1 designated, “Contact Information of Attorney or Accredited Representative.” • Page 1, Part 1, Item 3.a. and Page 2, Part 3, 13.a.: More space should be provided for the Attorney/Accredited Representative’s street name and number and the Applicant/Petitioner/Beneficiary or Derivative/Respondent’s street name and number. 	<p>Response:</p> <ul style="list-style-type: none"> • Thank you for your comment. USCIS will not make this change at this time. However, USCIS is amending the forms and instructions to refer to the applicant, petitioner, requestor, beneficiary or derivative, or respondent as “the client.” • Page 1, Part 1: <i>The proposed form removes the field for the Attorney or Accredited Representative’s fax number... →</i> USCIS will add the Fax Number field back to the form. • Page 1, Part 1, Item 3.a. and Page 2, Part 3, 13.a.: <i>More space should be provided for the...street name and number... →</i> Form G-28 allows for 34 characters in these fields. USCIS is not making changes to the field lengths at this time. If additional space is needed to provide a complete street name and number, Part 6. Additional Information, can be used. • Page 1, Part 1, Items 4 and 5 and Page 2, Part 3, Items 11 and 12: <i>These sections should be changed to allow more numbers to be entered and so that symbols are accepted. →</i> Telephone number fields on Form G-28 allow for 10

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	<p>Frequently, the relevant address is a foreign address, and many foreign addresses are longer than both the current version of the form and the proposed form allow.</p> <ul style="list-style-type: none"> • Page 1, Part 1, Items 4 and 5 and Page 2, Part 3, Items 11 and 12: These sections should be changed to allow more numbers to be entered and so that symbols are accepted. Both the current version of the form and the proposed form do not permit a foreign number with a country code and plus (+) symbol to be entered, so the information must instead be entered in the “Additional Information” section at the end of the form. • Page 1, Part 2, Item 3: A parenthetical explanation should be added (either to the form or the form instructions) explaining that the original attorney or accredited representative of record (if any) will remain the attorney or accredited representative of record in this situation. The box at Page 1, Part 2, Item 3 would likely be checked if an attorney is appearing for the limited purpose of attending an adjustment of status or other interview on behalf of another attorney, and in this situation, it is important that notices and communications following the interview will continue to be sent to the original attorney. • Page 2, Part 3, Items 1.b., 2.b. and 3.b.: Additional space should be added to each item so that, particularly in situations involving a limited appearance, the appearance can be adequately described. While Page 4 may be used if additional space is needed, the form would be more streamlined if attorneys/accredited representatives were able to describe the specific matter for which 	<p>characters to be entered. USCIS is not making any changes to the field length at this time. If additional space is needed to provide a complete telephone number, Part 6. Additional Information, can be used.</p> <ul style="list-style-type: none"> • Page 1, Part 2, Item 3: <i>A parenthetical explanation should be added...</i> → USCIS has added language to the G-28 and G-28I Instructions according to this recommendation. • Page 2, Part 3, Items 1.b., 2.b. and 3.b.: <i>Additional space should be added...</i> → USCIS is not adding additional space to these fields at this time. We have added the instruction to use Part 6. Additional Information, if extra space is needed. • Page 2, Part 3, Item 5: <i>... The option of “Requestor” should be retained ...</i> → USCIS added “Requestor” back to the form and instructions. In addition, the applicant, petitioner, requestor, beneficiary/derivative, or respondent will now be referred to as “the client.” • Page 2, Parts 3 and 4: <i>The “Part 4” block header should be moved up...</i> → USCIS is not moving the Part 4 header, but we have removed reference to “Contact Information,” as that Part does not collect any contact information. • Page 3, Part 4 (Options Regarding Receipt of USCIS Notices and Documents)... → USCIS added clarifying language to the instructions regarding limited appearances. We also made edits to the Consent to Representation language that we feel better explains the options. • Page 3, Part 4, Item 3.a.: <i>This item...should be changed to read “Signature of Applicant, Petitioner, Beneficiary or</i>
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	<p>they are appearing on Page 2. In addition, additional space in items 1.b., 2.b. and 3.b. would not increase the number of pages overall.</p> <ul style="list-style-type: none">• Page 2, Part 3, Item 5: The option for “Requestor” was removed and replaced with “Beneficiary/Derivative.” The option of “Requestor” should be retained to capture the correct categorization of individuals who have retained an attorney or accredited representative to assist them with the submission of a FOIA/Privacy Act request, and “requestor” should be referenced as appropriate throughout the form and instructions.• Page 2, Parts 3 and 4: The “Part 4” block header should be moved up above “Information about Applicant, Petitioner, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity,” as the header specifically refers to the “Applicant Petitioner, Beneficiary or Derivative, or Respondent...Contact Information.”• Despite the proposed changes that provide some clarity, Page 3, Part 4 (Options Regarding Receipt of USCIS Notices and Documents) remains complex and difficult to navigate. The section would benefit from additional changes.• Page 3, Part 4, Item 3.a.: This item currently reads “Signature of Applicant, Petitioner, Beneficiary or Derivative, or Respondent.” It should be changed to read “Signature of Applicant, Petitioner, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity.” The subheading for this section should also be changed to include an authorized signatory for an entity.	<p><i>Derivative, Respondent, or Authorized Signatory for an Entity.”</i> → The applicant, petitioner, requestor, beneficiary/derivative, or respondent will now be referred to as “the client.” USCIS has added “Authorized Signatory for an Entity” to this Part and Item Number.</p>
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