

Project Title: G-28-009 REV

Public Comments (regulations.gov): [Docket \(USCIS-2008-0037\)](#)

30-day FRN Citation (federalregister.gov): [86 FR 57439](#)

Publish Dates: October 15 – November 15, 2021

Matrix ID Number	Commenter	Comment	USCIS Response
1.1	John Flanagan	<p>Comment ID USCIS-2008-0037-0126:</p> <p>In addition to reiterating my comments below, I want to suggest that there should be a mechanism for attorneys who are verified members of a state or territorial bar to enter their appearance on DHS's systems electronically without needing a client signature. The current electronically G-28 system doesn't work for all forms, is buggy, and requires the client to be tech-savvy.</p> <p>**ORIGINAL COMMENT**</p> <p>I am an attorney in private practice who has represented over 100 individuals in DHS, EOIR, and consular proceedings, both in detained and non-detained settings. I have had to use Form G-28 for a range of tasks, from filing affirmative benefits to getting access to clients in detention.</p> <p>At four pages, the current Form G-28 is far too long. The equivalent Form in EOIR proceedings - Form EOIR-28 - is two pages long. Indeed, Form G-28 used to only be two pages (see OMB No. 1615-0105, expiry date 02/29/2016). Also, Form EOIR-28 does not require the client's signature, and the same should be true of Form G-28. As officers of the court, attorneys should be able to make a good faith representation that they represent a client in administrative proceedings, as they are permitted to do in courts and administrative tribunals throughout the United States.</p>	<p>USCIS continues to enhance online filing capabilities and make more of our forms available for online filing.</p> <p>Regarding the client signature requirement, USCIS reiterates that 8 CFR 292.4(a) requires that Form G-28 be "signed by the petitioner, applicant, or respondent to authorize representation in order for the appearance to be recognized by DHS." DHS does accept "photocopied, scanned, faxed, or similarly reproduced" signatures. USCIS Policy Manual, Volume 1, Part B, Chapter 2.A.</p>

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		<p>In the alternative, there should be a provision for an attorney to enter an appearance for a detained individual without the need for an original signature. Historically, ICE and the Asylum Office have used the signature requirement in bad faith to obstruct access to clients in detention. For example, I have many colleagues who have wanted to present credible fear information on behalf of clients who provided verbal consent to representation but were unable to sign paperwork because they were apprehended and shipped off to a remote detention center. In this context, the signature requirement allows bad-faith gamesmanship by officials who want to obstruct access to counsel and should be eliminated by some sort of explicit exception on the form.</p>	
2.1	Jeremy Rosenberg	<p>Comment ID USCIS-2008-0037-0124: Create a 1-page G-28 that does not require client signature. The requirement is prejudicial to detained individuals and a 4-page entry form is not necessary.</p>	<p>8 CFR 292.4(a) requires that Form G-28 be “signed by the petitioner, applicant, or respondent to authorize representation in order for the appearance to be recognized by DHS.” DHS does accept “photocopied, scanned, faxed, or similarly reproduced” signatures. USCIS Policy Manual, Volume 1, Part B, Chapter 2.A.</p>
3.1	Law Office of Christina Brown	<p>Comment ID USCIS-2008-0037-0125: I am an attorney in private practice who has represented over 100 individuals in DHS, EOIR, and consular proceedings, both in detained and non-detained settings. I have had to use Form G-28 for a range of tasks, from filing affirmative benefits to getting access to clients in detention.</p> <p>At four pages, the current Form G-28 is far too long. The equivalent Form in EOIR proceedings - Form EOIR-28 - is two pages long. Indeed, Form G-28 used to only be two pages</p>	<p>8 CFR 292.4(a) requires that Form G-28 be “signed by the petitioner, applicant, or respondent to authorize representation in order for the appearance to be recognized by DHS.” DHS does accept “photocopied, scanned, faxed, or similarly reproduced” signatures. USCIS Policy Manual, Volume 1, Part B, Chapter 2.A.</p>

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		<p>(see OMB No. 1615-0105, expiry date 02/29/2016). Also, Form EOIR-28 does not require the client's signature, and the same should be true of Form G-28. As officers of the court, attorneys should be able to make a good faith representation that they represent a client in administrative proceedings, as they are permitted to do in courts and administrative tribunals throughout the United States.</p> <p>In the alternative, there should be a provision for an attorney to enter an appearance for a detained individual without the need for an original signature. Historically, ICE and the Asylum Office have used the signature requirement in bad faith to obstruct access to clients in detention. For example, I have many colleagues who have wanted to present credible fear information on behalf of clients who provided verbal consent to representation but were unable to sign paperwork because they were apprehended and shipped off to a remote detention center. In this context, the signature requirement allows bad-faith gamesmanship by officials who want to obstruct access to counsel and should be eliminated by some sort of explicit exception on the form. The alleged purpose of the signature by USCIS to protect private information of individuals seeking protection is disingenuous. Practitioners can represent asylum seekers before EOIR without a signature. The same mechanism for confirming representation is available in all administrative proceedings: the officer confirms that the applicant wants to be represented by the attorney at the time of the interview, hearing, etc. The original signature requirement serves only the purpose of limiting access to counsel.</p>	

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4.1	Shelly Marshall	<p>Comment ID USCIS-2008-0037-0127: Regarding the letter sent from Samantha L. Deshommes, on Agency Information Collection Activities that will transfer adjudicative authority of defensive asylum away from immigration judges and give it to asylum officers--I am so very NOT in favor of this.</p> <p>Aaron Stevenson, DHS Insider and Intelligence Research Specialist for the U.S. Citizenship and Immigration Services said that an email sent out by the Director of USCIS, which notified everyone about a rule change coming forward, is going to shift the adjudicative authority of defensive asylum away from immigration judges and give it to asylum officers, which are USCIS.</p> <p>Ur Jaddou, Director of U.S. Citizenship and Immigration Services wrote "The proposed system seeks to reduce processing times by transferring the initial responsibility for adjudicating certain protection claims from immigration judges to USCIS asylum officers." He also wrote, "This rule would simplify the adjudication process for certain individuals who are encountered at or near the border, placed into expedited removal proceedings"</p> <p>We all know that is a loop hole (and will not simplify anything!) and that going to a fee-based program to by pass judges, means they bypass any oversight, congressional or legal, and we will get another massive influx of people playing the system and putting a burden on the American taxpayer to support them!!!</p>	[Unrelated comment]

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		Please stop this travesty--it will allow criminals, traffickers, drug cartels and gang members to enter our country with a fast track to citizenship--and it will bring massive numbers of people who want a free ride, I am sick to death of these measures to destroy what I have built up all my life--STOP THIS PLEASE!	