

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 INSTRUMENT(S): 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.**

U.S. Department of Homeland Security (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) under 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, as well as the Immigration and Nationality Act of 1952 (INA or Act), as amended, section 103(a), 8 U.S.C. 1103(a), which provides authority to administer and enforce the immigration and naturalization laws and to discharge other related DHS functions.

8 CFR 103.2 and 292.1 allow persons entitled to representation to be represented in matters before USCIS, ICE, and CBP. Representatives must file an appearance via the methods designated by DHS in each case. The G-28 information collection establishes the filing instruments that may be used for this purpose.

- 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 via the G-28 information collection instruments is used by DHS to determine eligibility of the individual to appear as a representative for a client in immigration matters before DHS. Form G-28 is used by attorneys admitted to practice in the United States and accredited representatives of accredited 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.

- 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.

Form G-28 and Form G-28I are available electronically as fillable, printable PDFs from the USCIS website at <http://www.uscis.gov/forms>. The PDFs can be completed electronically, saved, and printed. They must be signed and submitted to USCIS by mail. Alternatively, Form G-28 may be completed, signed, and filed online through a USCIS online account with other USCIS information collections that are available for online filing. Form G-28I cannot be filed online at this time.

USCIS uses various tools to collect feedback from end users of USCIS information collections. These tools include surveys or focus groups designed to collect general information, as well as public feedback submitted to USCIS either in response to an official solicitation of public comments from Federal Register publications or submitted proactively through USCIS' robust external outreach activities with stakeholders (see, e.g. www.uscis.dhs.gov/outreach). USCIS also performed usability testing on USCIS Forms I-765, N-400, and I-485 (the three highest-filing forms) with the goal of studying cross-cutting issues that impact the responding public across the entirety of the USCIS collections of information USCIS.

In addition to feedback from external stakeholders, our analysis considers consultation with internal agency stakeholders regarding such activities including, but not limited to, document submission, evidentiary requirements, and like activities. USCIS extensively engages with various program, policy, and intake teams for feedback on the information collections. USCIS analyzes the results of all these efforts to identify necessary modifications to the collection tools approved for use under the Paperwork Reduction Act. Such modifications could include clarifying edits, potential question removal, and instructional updates, all intended to further support the respondent's experience in complying with a collection of information. The collection of information proposed in this current submission is the cumulative result of all this analysis and studies conducted.

As a result of cumulative analysis and feedback, USCIS has added data fields to the Form G-28 for the paralegal so they can submit inquiries with the USCIS customer service channels and receive responses. Additionally, USCIS originally proposed adding a paralegal certification section. This additional data did not mirror the information collected for law or graduate students and added burden, so USCIS removed it. Although there is not a burden savings for this information collection, these changes allow increased access to improve the applicant and representative experience and will reduce duplicate inquiries submitted to the USCIS customer service channels.

- 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 on Form G-28 and Form G-28I, is unique to these forms and not collected via any other USCIS information collection.

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.

Respondents completing these forms may be employed as a small business; the information collected on these forms is the minimum information necessary to properly identify the filer's 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 an attorney or accredited representative representing another person in matters before 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 July 27, 2023, USCIS published a 60-day notice in the Federal Register at 88 FR 48489. USCIS did receive 160 comments after publishing that notice. USCIS has made changes to the form and instructions as a result of these comments. USCIS's responses to the public comments can be found in the following attachment shown in the Supplementary Documents: G-28-010 60-day Public Comment Matrix.

On September 17, 2024, USCIS published a 30-day notice in the Federal Register at 89 FR 76126. USCIS did receive 1 comment after publishing that notice. USCIS has not made changes to the form and instructions as a result of this comment. USCIS's responses to the public comments can be found in the following attachment shown in the Supplementary Documents: G-28-01030-Day Public Comment Response Matrix.

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 for this particular form/collection. 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.

In the normal course of USCIS benefit-related information collections, USCIS provides assurance of confidentiality for protected classes of immigrants consistent with 8 C.F.R. § 208.6 and 8 U.S.C. § 1367. Additional assurances are derived from the Privacy Act of 1974, 5 U.S.C 552a and the E-Government Act of 2002. 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:

The associated System of Records Notices are:

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, September 18, 2017, 82 FR 43556;
- DHS/USCIS-005 Inter-Country Adoptions Security, November 8, 2016, 81 FR 78614;
- DHS/USCIS-006 Fraud Detection and National Security Records (FDNS), August 8, 2012, 77 FR 47411;
- DHS/USCIS-007 Benefits Information System, October 10, 2019, 84 FR 54622;
- DHS/USCIS-017 Refugee Case Processing and Security Screening Information System of Records, October 19, 2016, 81 FR 72075; and
- DHS/USCIS-010 Asylum Information and Pre-Screening System of Records, November 30, 2015, 80 FR 74781.

The associated Privacy Impact Assessments are:

- DHS/USCIS/PIA-003(b) Integrated Digitization Document Management Program (IDDMP);
- DHS/USCIS/PIA-007(b) Domestically Filed Inter-country Adoptions Applications and Petitions;
- DHS/USCIS/PIA-013(a) Fraud Detection and National Security Data System (FDNS-DS);
- DHS/USCIS/PIA-016(d) Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems;
- DHS/USCIS/PIA-027(c) USCIS Asylum Division;
- DHS/USCIS/PIA-051 Case and Activity Management for International

- Operations (CAMINO);
- DHS/USCIS/PIA-056 USCIS ELIS; and
- DHS/USCIS/PIA-064 myUSCIS.

- 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.**

		A	B	C (=AxB)	D	E (=Cx D)	F	(=ExF)
Type of Respondent	Form Name / Form Number	#. of Respondents	#. of Responses per Respondent	# of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate*	Total Annual Respondent Cost

Businesses or other for-profit	Form G-28 (paper filed)	4,181,229	1	4,181,229	0.940	3,930,355	\$114.96	\$451,833,641
Businesses or other for-profit	Form G-28 (online filed)	464,581	1	464,581	0.783	363,767	\$114.96	\$41,818,646
Businesses or other for-profit	Form G-28I (paper filed)	31,362	1	31,362	0.700	21,954	\$114.96	\$2,523,793
Total				4,677,172		4,316,076		\$496,176,079

* The above Average Hourly Wage Rate is the [May 2022 Bureau of Labor Statistics](#) average wage for Lawyers of \$78.74 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$114.96.

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, start-up, 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.**

The estimated cost to the government is calculated by multiplying 4,670,867 (the estimated number of responses) x .333 hours (time required to collect and process information) x \$42 (suggested average hourly rate for clerical, officer, and supervisory time with benefits), which equals \$65,326,746.

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

Data collection Activity/Instrument (in hours)	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New) [new minus current]	Difference
G-28 Paper filing	2,857,044	3,930,355	1,073,311			
G-28 Online filing	188,061	363,767	175,706			
G-28I Paper Filing				17,540	21,954	4,414
Total(s)	3,045,105	4,316,076	1,249,017	17,540	21,954	4,414

There is an increase in the total estimated annual hour burden to respondents for this collection of information as a result of this action. The increase is due to the data fields that were added to the Form G-28 for the paralegal so they can communicate with USCIS, including to submit inquiries with the USCIS customer service channels and receive responses. USCIS has provided a synopsis of the edits associated with the processes to the information collection within the paper filing instrument Table of Changes (TOC) and the online filing instrument Copy Deck TOC for Form G-28. This additional collection of information increases the time burden per respondent for the

Form G-28 paper filing instrument from 0.833 hours to 0.940 hours and online filing instrument from 0.667 hours to 0.783 hours. There were no changes to the Form G-28I paper filing instrument or the time burden.

Additionally, there was an increase in the number of respondents for the G-28 and G-28I based on new agency estimates. The respondent estimate increased from 3,736,832 to 4,316,076 (+940,340) annually. There is no change in the estimated annual cost burden to respondents for this collection of information.

- 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.