

**Form G-28-010 Revision Responses to 60-day FRN Public Comments**

**Public Comments** (regulations.gov): [USCIS-2008-0037](https://www.regulations.gov/document/USCIS-2008-0037)

**60-day FRN Citation** (federalregister.gov): [88 FR 48489](https://www.federalregister.gov/documents/2023/07/27/88-fr-48489)

**Publish Dates:** July 27, 2023 – September 25, 2023

Comment #	Comment ID/Link	Comment	USCIS Response
Comment #: 1 Author: Maureen Abell	<a href="#">0134</a>	Why does the description of the proposed change to the G-28 not include that you want to start collecting attorneys' birthdates? Should we not be advised about that proposed change and the reasons for it, so that we can comment?	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 2 Author: Gairson Law, LLC	<a href="#">0135</a>	<p>Dear Chief Deshommes:</p> <p>In a much needed and welcome update, USCIS proposes to add to Form G-28, OMB No. 1615-0105, authorization for communication between paralegals and other law firm employees and USCIS. This will increase the efficiency of law firms in representing their clients and reduce costs for immigrants when it is necessary for a law firm to contact the agency on their behalf. Thank you for making this update as it has been needed for years.</p> <p>Unfortunately, the proposed Form G-28, OMB No. 1615-0105, also includes an unwelcome change that is not mentioned in the supplementary information: the lawyer's birth date. USCIS has provided no explanation for why it intends to suddenly require lawyer's to provide this additional personally identifiable information. Any security-base reason for requesting this information could be satisfied by requiring lawyers to provide it when obtaining their USCIS Online Account Number. However, there is no legitimate basis to require this on paper submissions.</p> <p>Lawyers are required to share all filings with their clients, including Form G-28. By requiring a lawyer to include their date of birth (and, frankly, their middle name) on Form G-28, USCIS ensures that additional information is being shared with the lawyer's client. While an individual's zip code, race, gender, or date of birth is generally classified as non-sensitive personally identifiable information that is easily accessible from public sources, it is still additional information that can readily be used to impersonate a lawyer and commit identity theft.</p> <p>As a lawyer, I have had clients who were solicited by unlicensed practitioners of law to take over my cases and then had the unlicensed practitioner utilize my G-28 and change the noted address to their own. By including my date of birth on Form G-28, it will also enable those unlicensed practitioners to further impersonate me, including with financial institutions and government agencies. For identification purposes, my USCIS Online Account Number, Bar Number, Firm Phone Number, and Firm Address are sufficient to identify me. It is unnecessary to provide third parties with additional personally</p>	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.

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		<p>identifiable information that could be used to commit identity theft in multiple forums.</p> <p>By requiring lawyers to provide their date of birth, USCIS is breaching the fundamental trust that exists between lawyers, as officers of the court, and the government. It is an unnecessary solipsistic request that will deter individuals from practicing immigration law. In comparison, other government agencies do not require lawyers to put their date of birth on representation forms -- for example, Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); FBI Attorney Release Form; and many others. Simply put, requiring lawyers to put their date of birth on Form G-28 is unnecessary overreach.</p> <p>I urge you to not include the "Date of Birth" for lawyers on Form G-28 for the above reasons and many others.</p> <p>Thank you,</p> <p>Jay Gairson Attorney at Law</p>	
<p>Comment #: 3 Author: Anonymous</p>	<p><a href="#">0136</a></p>	<p>Inclusion of the lawyer's date of birth is invasion of privacy. There is no legal or practical reason for the USCIS to demand an attorney's date of birth for the purpose of representing a client. This new requirement puts attorneys at risk of identity theft: The reality is that attorneys are required to give their clients copies of their files, which means that attorneys would have to remember to redact their own date of birth every single time. Moreover, having their date of birth inside a client's file further exposes their identity to theft when even staff members can inadvertently disseminate such personal data. It is a ridiculous requirement that no other agency requires of attorneys for the purpose of legal representation. The USCIS knows that this is simply wrong and overreach of their power, which is why this new requirement is not listed front and center in the Summary or the Supplemental Information; this new requirement is very well hidden. It should not become the new reality for attorneys to have further exposure to privacy violations and identity theft. What is next? Social Security Numbers perhaps? Parents' maiden names? Fingerprints? What? Ridiculous.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 4 Author: Shara Svendsen</p>	<p><a href="#">0137</a></p>	<p>While I appreciate the proposed G-28 update allowing for authorization of communication between paralegals and other law firm employees and USCIS, I am deeply concerned about the proposed requirement of attorney date of birth.</p> <p>There is no explanation for this proposed change, and there is absolutely no need for USCIS to gather and store this information. Any security-based need to identify attorneys can be satisfied through the USCIS online account number or state bar number. There is no legitimate basis to require this information on paper submissions.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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		<p>Requesting and retaining attorneys' date of birth increases the risk that such information could be mishandled, lost, misdirected, etc. and be used to impersonate said attorney and commit identity theft.</p> <p>Attorneys are required to provide copies of all filings with clients, including Forms G-28. By requiring date of birth on the Form G-28, USCIS adds to the information that is shared with others, including clients, clients' families, and clients' future attorneys or representatives.</p> <p>As a lawyer, I often review clients' files to provide a second opinion, and am often requested by clients to allow others to review my filings. By including my date of birth on the Form G-2, it will enable unscrupulous unlicensed practitioners to impersonate me, including with financial institutions and other government agencies.</p> <p>It is unnecessary for USCIS to require that I provide the agency with additional personally identifiable information that could be used to commit identity theft in various forums. In comparison, other government agencies do not require lawyers to put their date of birth on representation forms -- for example, Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); FBI Attorney Release Form; and many others. Simply put, requiring lawyers to put their date of birth on Form G-28 is unnecessary overreach.</p> <p>I urge you to reconsider the proposed change requiring date of birth on Form G-28, and to not include that requirement.</p> <p>Thank you, Shara Svendsen, Attorney</p>	
<p>Comment #: 5 Author: Katrina Zafiro</p>	<p><a href="#">0138</a></p>	<p>I oppose the inclusion of the attorney's date of birth on a G-28. It is unnecessary and serves no purpose.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 6 Author: Anonymous</p>	<p><a href="#">0139</a></p>	<p>As an immigration attorney with over a decade of experience, I strongly object to the addition of a date of birth of attorney on the G-28. I cannot think of any reason to collect this personal information, as the form already requires a full name, address, phone number, email, and bar number. I do not trust that such information will be consistently redacted in FOIA responses, and this also places the burden on attorneys to redact prior to providing file copies to clients.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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<p>Comment #: 7 Author: Jen Chen</p>	<p><a href="#">0140</a></p>	<p>Dear Chief Deshommes:</p> <p>While the addition of paralegals is a welcome change for case management the new Form G-28 concerningly requires attorneys' to provide our DOB. This will make stealing attorney identities much easier and put all immigration attorneys at risk. USCIS has other ways to track and identify fraudulent attorneys, including requesting a USCIS Online Account Number for reach attorney. This is less invasive and will also support the government's push to digitize records.</p> <p>I urge you to not include the "Date of Birth" for lawyers on Form G-28 for the above reasons and many others.</p> <p>Thank you,</p> <p>Jen</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 8 Author: Tess Douglas</p>	<p><a href="#">0141</a></p>	<p>The G-28 should not require an attorney's date of birth. I don't see any valid reason to include it given that our bar number and name can identify the attorney.</p> <p>The clients who review G-28s would then be able to see the attorney's date of birth, it could be FOIAed and may mistakenly not be redacted, and it will be on forms seen by tons of government employees. This seems like an invasion of attorney privacy.</p> <p>In comparison, other government agencies do not require lawyers to put their date of birth on representation forms -- for example, Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); FBI Attorney Release Form.</p> <p>I request that you please remove the date of birth requirement for attorneys on the G-28.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 9 Author: Irina Rusanova</p>	<p><a href="#">0142</a></p>	<p>I don't see why it's necessary to enter DOB of attorney. Also, this form is only one page longer it at the same time doesn't make much difference...</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 10 Author: Anonymous</p>	<p><a href="#">0143</a></p>	<p>Hello as an attorney if find it to be a massive invasion of my privacy to insert my DOB into the G-28 form. There is also no reason for this information to be included in the G-28 form. Including this information will place me at an increased risk of identity theft. Thank you.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 11 Author: Sean Cooper</p>	<p><a href="#">0144</a></p>	<p>I am an immigration attorney who assists clients primarily with affirmative asylum applications and removal defense before USCIS and EOIR. I am writing on behalf of only myself, but believe that my comments reflect the opinions of other members of the bar who regularly interact with USCIS and represent clients in any capacity that regularly requires submission of form G-28. I am writing to oppose the inclusion of dates of birth</p>	<p>USCIS plans to implement auto-population of certain attorney information into Form G-28 when it is filed electronically through a myUSCIS representative account. The attorney or accredited representative's profile information will be used</p>

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	<p>for attorneys or accredited representatives. Inclusion of this information is arbitrary, and is wholly unnecessary to the function of USCIS, and will impose significant administrative costs on representatives that are far more than the estimates proposed in the rulemaking notice. Overall, the net costs of the inclusion of this information greatly outweigh any reason USCIS might have to want or need to include this information.</p> <p>Attorneys and accredited representatives (hereafter “attorneys”) are already required to fill out the lengthy G-28 form for nearly every new interaction with USCIS. This can mean that attorneys are required to fill out several G-28s per client, as clients will often have numerous forms that need to be filed with USCIS, each new form requiring a new G-28. This requires us to expend significant time and effort for every client matter to provide USCIS with duplicative information. Adding yet another static, unchanging field will increase the amount of duplicative information submitted to USCIS, increasing the administrative burden for attorneys and USCIS.</p> <p>As it stands, There is no reason to repeatedly ask for much of the information on the G-28 every single time we file a new form with USCIS. The transition to online forms has not reduced the administrative burden, as we are required to enter the same information every time with no auto-population of commonly used fields. As the email field already auto-populates, there is absolutely no reason that other information, such as attorney name (and yes, date of birth, if required by USCIS) could not also auto-populate. While this change may only amount to several minutes per form, those minutes add up to a significant amount of time for practitioners when taken from an annual perspective. Simply put, time spent adding a date of birth to every form manually every time is time not spent advocating for my clients, polishing up submissions to USCIS to make our submissions easier to approve, or assisting pro bono clients with important matters.</p> <p>Additionally, inclusion of attorney date of birth information unnecessarily violates the privacy of advocates and opens us up to greater exposure to potentially harmful data breaches and potential for identity theft. As we are required to provide this information to USCIS nearly every single time when submit a new form for a client, many of us are sending out tens to hundreds of these forms every month. This repeated disclosure drastically increases the likelihood of interception of what should otherwise be protected personal information. Further, there are many reasons why advocates would not want clients to know their exact date of birth. There’s simply no reason to include this information that cannot already be achieved through alternative means.</p> <p>For example, USCIS already assigns representatives unique identifying numbers. These numbers can already be used to uniquely identify advocates internally to USCIS. I can</p>	<p>for this auto-population. USCIS plans to introduce this functionality in early 2024.</p> <p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p> <p>A new G-28 is needed to remove the previous paralegal, and for the client to agree to allow USCIS to share information under the Privacy Act with the new paralegal.</p>
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		<p>think of scarce reasons why USCIS would need to ask for date of birth information, after initially authenticating an attorney’s identity with their license/bar number. A date of birth is not an appropriate substitute to identify paralegals, who are often not issued an identification number, because the number is not unique. Instead, USCIS should be giving them unique identification numbers as it already does for accredited representatives.</p> <p>As such, the proposed change fails to describe the need for this change, fails to identify regulatory alternatives to the inclusion of this information on form G-28, drastically underestimates the administrative costs to both USCIS and practitioners, provides very little benefit to USCIS, and is therefore completely unnecessary and inappropriate given the balancing of the costs versus the nebulous benefits proposed by USCIS. This change should be rejected.</p>	
<p>Comment #: 12 Author: Nicholas Marchi</p>	<p><a href="#">0145</a></p>	<p>I strongly oppose including the attorneys date of birth on the form. It opens the attorney up to Identity Fraud and is an invasion of the attorney's privacy rights. There is no justification for the request to include the attorney's birth date.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>
<p>Comment #: 13 Author: Nancy K Whitehead</p>	<p><a href="#">0146</a></p>	<p>Agency: U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS) Document Type: Notice Title: Agency Information Collection Activities; Revision of a Currently Approved Collection: Notice of Entry of Appearance as Attorney or Accredited Representative Document ID: USCIS-2008-0037-0128</p> <p>Comment: Dear Chief Deshommes:</p> <p>In a much needed and welcome update, USCIS proposes to add to Form G-28, OMB No. 1615-0105, authorization for communication between paralegals and other law firm employees and USCIS. This will increase the efficiency of law firms in representing their clients and reduce costs for immigrants when it is necessary for a law firm to contact the agency on their behalf. Thank you for making this update as it has been needed for years.</p> <p>Unfortunately, the proposed Form G-28, OMB No. 1615-0105, also includes an unwelcome change that is not mentioned in the supplementary information: the lawyer's birth date. USCIS has provided no explanation for why it intends to suddenly require lawyer's to provide this additional personally identifiable information. Any security-base reason for requesting this information could be satisfied by requiring lawyers to provide it when obtaining their USCIS Online Account Number. However, there is no legitimate basis to require this on paper submissions.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>

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		<p>Lawyers are required to share all filings with their clients, including Form G-28. By requiring a lawyer to include their date of birth (and, frankly, their middle name) on Form G-28, USCIS ensures that additional information is being shared with the lawyer's client. While an individual's zip code, race, gender, or date of birth is generally classified as non-sensitive personally identifiable information that is easily accessible from public sources, it is still additional information that can readily be used to impersonate a lawyer and commit identity theft.</p> <p>As a lawyer, I have had clients who were solicited by unlicensed practitioners of law to take over my cases and then had the unlicensed practitioner utilize my G-28 and change the noted address to their own. By including my date of birth on Form G-28, it will also enable those unlicensed practitioners to further impersonate me, including with financial institutions and government agencies. For identification purposes, my USCIS Online Account Number, Bar Number, Firm Phone Number, and Firm Address are sufficient to identify me. It is unnecessary to provide third parties with additional personally identifiable information that could be used to commit identity theft in multiple forums.</p> <p>By requiring lawyers to provide their date of birth, USCIS is breaching the fundamental trust that exists between lawyers, as officers of the court, and the government. It is an unnecessary solipsistic request that will deter individuals from practicing immigration law. In comparison, other government agencies do not require lawyers to put their date of birth on representation forms -- for example, Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); FBI Attorney Release Form; and many others. Simply put, requiring lawyers to put their date of birth on Form G-28 is unnecessary overreach.</p> <p>I urge you to not include the "Date of Birth" for lawyers on Form G-28 for the above reasons and many others.</p> <p>Thank you,</p> <p>Nancy K Whitehead Attorney</p>	
Comment #: 14 Author: Mariane Jacobs Maccarini	<a href="#">0147</a>	Dear Chief Deshommes:  I urge you to not include the "Date of Birth" for lawyers on Form G-28 for safety reasons.  Thank you,	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.

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		Mariane Jacobs Maccarini Attorney at Law	
Comment #: 15 Author: Ann Wennerstrom	<a href="#">0148</a>	I am an immigration attorney. I object to my date of birth being required on the new Form G-28. The reason is privacy issues. I am obligated to provide my client with all the files from the case, which means both they and the US government will have this personal information about me for perpetuity. Also, my age should have nothing to do with my legitimacy as an attorney -- the point of the G-28 is to provide contact for me and authorization to represent the client; not to give my personal information. Thank you.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 16 Author: Kati Ortiz	<a href="#">0149</a>	Hello.  The proposed updated Form G-28, OMB No. 1615-0105, includes a problematic change that is not mentioned in the supplementary information: the attorney's DOB. USCIS has provided no explanation for why it intends to require me, as an attorney, to provide this private information. Simply by having been accepted to my state's bar or even applying for a USCIS account will satisfy this DOB requirement, which should not be required. There is absolutely no valid reason to require this on any paper submissions, which any of my clients are entitled to by law, as explained below.  Attorneys are required to share all filings with their clients, including Form G-28. By requiring me to include my DOB, USCIS is confirming that it is being shared with my clients. While an individual's zip code, race, gender, or date of birth is generally classified as non-sensitive personally identifiable information that is easily accessible from public sources, it is still additional information that can readily be used to impersonate a lawyer and commit identity theft.  For identification purposes, my USCIS Online Account Number, Bar Number, Firm Phone Number, and Firm Address are sufficient to adequately identify me. It is unnecessary to provide third parties with additional personally identifiable information that could be used to commit identity theft. It is simply an unnecessary invasion of privacy.  Issues I see: (1) my DOB is forever in my client's FOIA results. That means when my client or a designated representative requests my client's FOIA, my name, address and dob are all disclosed. G-28s are normally not redacted. (2) It is one more personal data point out there making me susceptible to identity theft or worse. (3) The more data points	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.



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		<p>that are in the public domain on me can be combined with other data points from different sites. (4) I would question what legitimate use the USCIS is seeking for attorney DOB. (5) If the USCIS wanted to validate attorneys, they could use an account verification system, similar to ECAS, that is private as it relates to the client. (6) Is the USCIS violating privacy laws by requesting the attorney DOB for a non-legitimate use?</p> <p>I urge you to NOT include the "Date of Birth" for lawyers on Form G-28 for the above reasons and many others.</p> <p>Thank you,</p> <p>Kati Ortiz Attorney at Law</p>	
<p>Comment #: 17 Author: Anonymous</p>	<a href="#">0150</a>	<p>I'm writing to register my objection to the proposed Form G-28, OMB No. 1615-0105, which requires that the lawyer's birth date be listed on the form. This is unnecessary and quite insulting to attorneys. USCIS has provided no explanation for why it requires attorneys to list their birth date on the form.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 18 Author: Alycia Moss</p>	<a href="#">0151</a>	<p>Including the attorney's birth date on the G-28 is unnecessary and puts the attorney at risk for fraud and identity theft as well as misuse of information and violation of privacy. USCIS can follow EOIRs lead and verify attorneys in a similar way that we are verified with EOIR.</p> <p>Thank you for considering my input.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 19 Author: Arundel Pritchett</p>	<a href="#">0152</a>	<p>Dear Chief Deshommes:</p> <p>I urge you to eliminate the unwelcome change of the lawyer's birth date from the proposed form G-28, OMB No. 1615-0105.</p> <p>USCIS has provided no explanation for why it intends to suddenly require lawyers to provide this additional personally identifiable information. There is no legitimate basis to require this on paper submissions.</p> <p>Lawyers are required to share all filings with their clients, including Form G-28. By requiring a lawyer to include their date of birth (and, frankly, their middle name) on Form G-28, USCIS ensures that additional information is being shared with the lawyer's client. While an individual's zip code, race, gender, or date of birth is generally classified as non-sensitive personally identifiable information that is easily accessible from public sources, it is still additional information that can</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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		<p>readily be used to impersonate a lawyer and commit identity theft.</p> <p>By including my date of birth on Form G-28, the United States government will enable criminals to impersonate me including with financial institutions and government agencies. For identification purposes, my Bar Number, Firm Phone Number, and Firm Address are sufficient to identify me. It is unnecessary to provide third parties with additional personally identifiable information that could be used to commit identity theft in multiple forums.</p> <p>By requiring lawyers to provide their date of birth, USCIS is breaching the fundamental trust that exists between lawyers, as officers of the court, and the government. It is an unnecessary solipsistic request that will deter individuals from practicing immigration law. In comparison, other government agencies do not require lawyers to put their date of birth on representation forms -- for example, Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); FBI Attorney Release Form; and many others. Simply put, requiring lawyers to put their date of birth on Form G-28 is unnecessary overreach.</p> <p>I urge you to not include the "Date of Birth" for lawyers on Form G-28 for the above reasons and many others.</p> <p>Thank you for your attention to this matter.</p>	
Comment #: 20 Author: Octavian Jumanca	<a href="#">0153</a>	<p>Dear Chief Deshommes:</p> <p>As a lawyer I urge you not to include the "Date of Birth" for lawyers on Form G-28. By requiring lawyers to provide their date of birth, USCIS is breaching the fundamental trust that exists between lawyers, as officers of the court, and the government. It is an unnecessary request that will deter individuals from practicing immigration law. This will cause an unnecessary burden on the legal community with seemingly little to no benefit for the agency. The overall negative impact such an addition to the G-28 would have on the legal community as whole far outweigh any perceived positive impacts.</p> <p>Thank you, Octavian Jumanca, ESQ</p>	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.

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<p>Comment #: 21 Author: Veronica Sustic</p>	<p><a href="#">0154</a></p>	<p>I am an immigration attorney representing clients before USCIS as a substantial portion of my practice. I submit this comment to register my vehement objection to the addition of a "date of birth" field for attorneys and legal representatives on the new Form G-28 and to urge the agency to delete this from the proposed form. This is an unexplained and unreasonable invasion of privacy. Client files belong to the client, and this update to the G-28 would require me to turn over my sensitive information to clients for no discernible reason. This exposes me to identity fraud both personally and professionally. Aside from the potential for identity fraud, sensitive matters like immigration can cause emotionally-fraught situations with clients that can become abusive or violent, and clients who feel they've been wronged should not be given their legal representatives' personally-identifiable information for, it bears repeating, no discernible reason.</p> <p>Importantly, USCIS has no legitimate need to obtain a legal representative's date of birth. Specifically, for attorneys, there is a thorough and lengthy vetting process to become licensed and barred in their state, and the G-28 already requires attorneys enter their bar number as proof; that is all USCIS needs to know to fulfill the purpose of the G-28, which is to allow attorneys to provide legal representation to clients and to communicate with the agency on their behalf.</p> <p>For these reasons, I urge the agency to delete the new "date of birth" field from the proposed G-28.</p> <p>I do approve of the inclusion of a paralegal on the G-28, however. This will be very helpful for communicating with the agency about non-legal client issues and I encourage the agency to keep this addition.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 22 Author: Sonia Figueroa</p>	<p><a href="#">0155</a></p>	<p>I wish to respond to the point "evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility."</p> <p>On page 1, part 1, #3, it requests the date of birth of the attorney. I fail to see how this date of birth is "necessary for the proper performance of the functions of the agency" and in fact, the harm outweighs the benefits of having said information. The applications are part of the noncitizen's file and thus, the property of the noncitizen. It stands to reason that they noncitizen, in the course of obtaining FOIA results and/or litigation, could obtain said information, which is personal identifying information. Already, the form requests bar license information, business information, etc. All of this is verifiable by public resources and therefore should meet the requirement of having enough identifying information. Furthermore, when there is an interview, the officer routinely requests to see the attorney's ID and bar card, sometimes going so far as making copies. This practice as well is disturbing as it also includes the attorney's personal address, biometric information, etc.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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		<p>The proposed rule in the federal regulations does not mention this addition of this field. Neither does the proposed instructions for the G-28. In fact, the instructions only list the other fields of that section, omitting the date of birth requirement - which either means, at best, it was an oversight or a mistake. At worst - an attempt to solicit more information and hope that nobody notices the inclusion of that field. Considering the ability of hackers and other bad actors ability to access government databases, it is with all due respect that I request that the government minimize exposure.</p>	
<p>Comment #: 23 Author: Benjamin Cornell</p>	<p><a href="#">0156</a></p>	<p>Dear Chief Deshommes:</p> <p>I am writing to voice my opposition to the inclusion of an attorney's date of birth re: the newly proposed G-28, OMB Bo. 1615-0105.</p> <p>I do not understand why an attorney's date of birth would be needed to establish representation of a particular person with USCIS. I feel that providing my full name, business address, and state bar number is plenty sufficient to identify myself with the federal government as an attorney. My date of birth is personally identifying information, and with this change could be easily accessible via public sources such as a FOIA request. With this proposed change, I worry that there is too great a risk of bad actor impersonating an attorney or committing identity theft. This is especially true as I file hundreds of G-28s each year with USCIS and other immigration agencies.</p> <p>Please reconsider this proposed change. I do approve of the inclusion of information for a designated paralegal - I think that would be a fantastic addition.</p> <p>Best,</p> <p>Benjamin Cornell Attorney at Law</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 24 Author: Sylvia A. Miller, Attorney at Law, PLLC</p>	<p><a href="#">0157</a></p>	<p>I am an attorney who practices immigration law. THERE is NO reason why my birth date needs to be on a form that my clients will see and need to sign. Plus anyone will be able to get with a FOIA. Maybe it is supposed to be redacted but believe me, FOIA redactions are anywhere from perfect.</p> <p>Plus just one corrupt USCIS employee could be selling our identities. AND for what purpose does USCIS need this? How could any reason they purport to need it, outweigh my rights?</p> <p>This is an invasion of my privacy AND it puts me and all of the other immigration attorneys at great risk for having our identities stolen.</p> <p>As it is when at USCIS the officer keeps my driver license on their desk the entire interview.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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		<p>I vehemently oppose the inclusion the lawyer's date of birth on the G28. Further this should be a one or two page form, as it was for many years, why does it need to be so long. Such a waste of paper and time.</p>	
<p>Comment #: 25 Author: Katerina Ehrlich</p>	<p><a href="#">0158</a></p>	<p>Agency: U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS) Document Type: Notice Title: Agency Information Collection Activities; Revision of a Currently Approved Collection: Notice of Entry of Appearance as Attorney or Accredited Representative Document ID: USCIS-2008-0037-0128</p> <p>Comment: Dear Chief Deshommes:</p> <p>In a much needed and welcome update, USCIS proposes to add to Form G-28, OMB No. 1615-0105, authorization for communication between paralegals and other law firm employees and USCIS. This will increase the efficiency of law firms in representing their clients and reduce costs for immigrants when it is necessary for a law firm to contact the agency on their behalf. Thank you for making this update as it has been needed for years.</p> <p>Unfortunately, the proposed Form G-28, OMB No. 1615-0105, also includes an unwelcome change that is not mentioned in the supplementary information: the lawyer's birth date. USCIS has provided no explanation for why it intends to suddenly require lawyers to provide this additional personally identifiable information. There is no legitimate basis to require this and is a gross violation of privacy which places the attorney at risk.</p> <p>By requiring a lawyer to include their date of birth (and, frankly, their middle name) on Form G-28, USCIS ensures that additional information is being shared with the lawyer's client and with USCIS officers, customer service agents, and future lawyers when filing FOIA requests. While an individual's zip code, race, gender, or date of birth is generally classified as non-sensitive personally identifiable information that is easily accessible from public sources, it is still additional information that can readily be used to impersonate a lawyer and commit identity theft.</p> <p>There is also a threat from unlicensed practitioners or "notarios" who would now have even more information to try to impersonate a lawyer, in the practice of law and beyond, such as with financial institutions and government agencies. For identification purposes,</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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		<p>my Bar Number, Firm Phone Number, and Firm Address are sufficient to identify me. It is unnecessary to provide third parties with additional personally identifiable information that could be used to commit identity theft in multiple forums.</p> <p>Finally, requiring the date of birth will also facilitate ageism as professionals are not required to disclose their age while on the job - providing their date of birth on the G-28 will put on display the age of attorneys for other attorneys at the firm, as well as with support staff and human resources and will perpetuate attorneys potentially being singled out based on their age. It is a preposterous proposition and highly offensive to our profession.</p> <p>By requiring lawyers to provide their date of birth, USCIS is breaching the fundamental trust that exists between lawyers, as officers of the court, and the government. It is an unnecessary request that will deter individuals from practicing immigration law. In comparison, other government agencies do not require lawyers to put their date of birth on representation forms -- for example, Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); FBI Attorney Release Form; and many others. Simply put, requiring lawyers to put their date of birth on Form G-28 is a preposterous overreach.</p> <p>I urge you to not include the "Date of Birth" for lawyers on Form G-28 for the above reasons and many others.</p> <p>Thank you,</p> <p>Katerina Ehrlich Attorney at Law</p>	
<p>Comment #: 26 Author: Marsha Mavunkel</p>	<p><a href="#">0159</a></p>	<p>In a much needed and welcome update, USCIS proposes to add to Form G-28, OMB No. 1615-0105, authorization for communication between paralegals and other law firm employees and USCIS. This will increase the efficiency of law firms in representing their clients and reduce costs for immigrants when it is necessary for a law firm to contact the agency on their behalf. Thank you for making this update as it has been needed for years.</p> <p>Unfortunately, the proposed Form G-28, OMB No. 1615-0105, also includes an unwelcome change that is not mentioned in the supplementary information: the lawyer's birth date. USCIS has provided no explanation for why it intends to suddenly require lawyer's to provide this additional personally identifiable information. Any security-base reason for requesting this information could be satisfied by requiring lawyers to provide it when obtaining their USCIS Online Account Number. However, there is no legitimate basis to require this on paper submissions.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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		<p>Lawyers are required to share all filings with their clients, including Form G-28. By requiring a lawyer to include their date of birth (and, frankly, their middle name) on Form G-28, USCIS ensures that additional information is being shared with the lawyer's client. While an individual's zip code, race, gender, or date of birth is generally classified as non-sensitive personally identifiable information that is easily accessible from public sources, it is still additional information that can readily be used to impersonate a lawyer and commit identity theft.</p> <p>It is unnecessary to provide third parties with additional personally identifiable information that could be used to commit identity theft in multiple forums.</p> <p>By requiring lawyers to provide their date of birth, USCIS is breaching the fundamental trust that exists between lawyers, as officers of the court, and the government. It is an unnecessary and will deter individuals from practicing immigration law. In comparison, other government agencies do not require lawyers to put their date of birth on representation forms -- for example, Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); FBI Attorney Release Form; and many others. Simply put, requiring lawyers to put their date of birth on Form G-28 is unnecessary overreach.</p> <p>I urge you to not include the "Date of Birth" for lawyers on Form G-28 for the above reasons and many others.</p> <p>Thank you,</p> <p>Marsha Mavunkel Attorney WSBA 42248</p>	
<p>Comment #: 27 Author: Trisha Floyd Nielsen</p>	<p><a href="#">0160</a></p>	<p>The proposed changes to the G-28 are stated to be in relation to adding paralegals and other law firm employees. My first, and most pressing, issue with this change is in regard to the date of birth section in page 1, part 1, for the attorney. Nowhere in the comments does it explain why adding the date of birth to section to page 1, part 1 is needed, or pertains to, adding paralegals to the representation. The date of birth of the attorney is not relevant to the case, nor to vetting the attorney. A bar number is already provided which can be cross-referenced with the state bars to ensure the attorney is, in fact, barred. There is no practical utility of adding an attorney's date of birth to the form, except as an overreach for nonrelevant information, a way to perpetuate ageism of both young and older attorneys, and a high likelihood of clients and others obtaining identifying information which makes it more likely for attorneys to be the subjects of identity theft. FOIAs routinely fail to redact information, and the attorney's date of birth could</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p> <p>A new G-28 is needed to remove the previous paralegal, and for the client to agree to allow USCIS to share information under the Privacy Act with the new paralegal.</p> <p>USCIS will not require evidence or validation of the named paralegal's education or qualifications, but our intent is to encourage the attorney to</p>

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		<p>potentially be leaked in a FOIA. The date of birth will not just go on one file. Instead, this will be on potentially thousands of cases per attorney. Although vetting attorneys seems to be the goal, this can already be accomplished via the bar number. Thus, the addition of the date of birth is unnecessary. What is more egregious is that the instructions on the form state that this information will be required and the G-28 will not be accepted without this information. Forcing an attorney to provide this additional information is not just a burden, but the harm caused by this requirement far outweighs the benefit. The “date of birth” field should be deleted from the proposed G-28.</p> <p>In addition, the section regarding adding a paralegal is needed, although poorly implemented. Having other employees in the law firm able to do customer service inquiries will be a better use of client’s funds and attorney’s time. However, I have worked in multiple firms and the turnover rate of paralegals, assistants, and administrative staff has been quite high. How many extra G-28s will need to be submitted when a paralegal leaves? If one is not designated right away, does the attorney have to submit a new G-28 and inform USCIS on the many cases that this person is assigned to? This does not even take into account that USCIS says that a paralegal should have “education, experience and training in regulatory compliance and professional responsibility, and understand the distinction between administrative tasks and independent legal advice.” While trained paralegals do exist, too many small firms do not train their “paralegals” and instead promote assistants to higher level positions with the term “paralegal” without any training in regulatory compliance and professional responsibility. In this way, anyone can be considered a paralegal. When anyone can be a “paralegal,” then there is no reason why an administrative assistant could not also do the same stated customer service inquiries that USCIS is proposing. I would urge USCIS to implement a separate process wherein an attorney is provided a unique identifying number related to their G-28 for the case, and the attorney could use their professional judgement to then delegate the customer service functions by providing that unique number to the employee.</p>	<p>designate someone of reasonable skill, understanding, and training.</p>
<p>Comment #: 28 Author: Catherine Haight</p>	<p><a href="#">0161</a></p>	<p>Attorneys should not have to give their date of birth.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>
<p>Comment #: 29 Author: Michael Wilk</p>	<p><a href="#">0162</a></p>	<p>Dear USCIS:</p> <p>I am an immigration attorney; I represent clients before USCIS as a substantial portion of my law practice. I submit this comment to register my strong objection to the addition of a "date of birth" field for attorneys and legal representatives on the new Form G-28 and to urge the agency to delete this from the proposed form. This is an unexplained and</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>



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		<p>unreasonable invasion of privacy. Client files belong to the client, and this update to the G-28 would require me to turn over my sensitive information to clients for no discernible reason. This exposes me to identity fraud both personally and professionally.</p> <p>I respectfully assert that USCIS has no legitimate need to obtain a legal representative's date of birth. For attorneys especially, there is a thorough and lengthy vetting process to become licensed to practice law in any state or district, and it should be noted that the G-28 already requires attorneys enter their bar number as proof; that already provides USCIS with enough information in order to fulfill the purpose of the G-28, which is to allow attorneys to provide legal representation to clients and to communicate with the agency on their behalf.</p> <p>For these reasons, I urge the agency to delete the new "date of birth" field from the proposed G-28.</p> <p>Thank you.</p>	
<p>Comment #: 30 Author: Katharine Campen</p>	<a href="#">0163</a>	<p>Requiring the attorney's birthdate is unnecessary, irrelevant, and dangerous. It opens the attorney to potential identity theft and is simply too private of information to be required as part of the attorney's preparation of forms and client representation. You cannot use an attorney's birthdate to find her/his/their bar information, employment information, or office information. All bar websites only search for attorneys by names and/or bar numbers. Additionally, an attorney's age and/or birthdate is wholly irrelevant to their ability to and responsibility in preparing forms and representing applicants, petitioners, beneficiaries, requesters, etc. Collection of this information constitutes an abuse of power by the DHS.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 31 Author: The Pinjuh Law Firm LLC</p>	<a href="#">0164</a>	<p>The addition of the attorney's date of birth on the G28 is unnecessary, has no relevance to the record of the person or entity being represented, and provides unnecessary information and access to information for both the clients of the attorney and any person or persons handling the file. It provides an open door to identify theft of the attorney. If there is a need to identify the attorney, the state bar license is already provided and provides way to review the identity of the attorney listed.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 32 Author: Michael Purcell</p>	<a href="#">0165</a>	<p>Hello, My name is Michael T. Purcell. I am a practicing immigration lawyer in Portland, Oregon. I wish to comment on Form G-28, OMB No. 1615-0105. I am glad that it includes listing a paralegal, as this is a welcome improvement from situations where the agency will simply refuse to talk to anyone but the attorney even in routine status checks. As some other comments have noted, the attorneys should be able to file G-28 notices of appearance without the client's signature. This is especially important where the client is in custody, often in a distant state, and the attorney needs immediate information as to the client's case status. Immigration court does not require the client's signature on notices of</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p> <p>Client signatures are required to indicate that the client is allowing USCIS to communicate with their representative. However, while the signature must be handwritten, the form instructions for Form G-28 provide that the signature submitted to</p>

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		<p>appearance filed with the court on form EOIR-28.</p> <p>I can't see why USCIS and ICE should have any different procedure, especially because, as noted, the clients will often be unable to sign a G-28 notice of appearance due to custodial status.</p> <p>The worst thing about the proposed form is that it calls for the lawyer's date of birth. I cannot see any reason for this. I have been a lawyer for 36 years and I have appeared in hundreds if not thousands of cases. Never have I been required to furnish my date of birth to any court or administrative tribunal as a condition of representing a client. My bar numbers are always disclosed on every pleading, as well as my EOIR number and my USCIS number. This is more than enough information for my identity to be verified. And, as other commenters have pointed out, there is a significant danger of identity theft, because the client's file in the attorney's office belongs to the client, and even if an attorney's date of birth could be redacted in theory, in practice it is just not possible to intercept and redact it from every single client copy of a standard form G-28 .</p> <p>Finally, there is a clear danger of identity theft by USCIS employees. There have been such cases, and in fact the Inspector General has a website to report such malfeasance. One case in 2018 even involved a high officer of DHS, Rafael Sanchez former Chief Counsel for the Seattle Office of Principal Legal Advisor (OPLA).</p>	<p>USCIS does not need to be the original signed G-28 but can be a photocopied, scanned, or faxed copy of the original G-28 containing the handwritten, ink signature.</p> <p>The proposed revision of Form G-28 instructions governs the requirements for submission to DHS. DHS is making no changes to its signature requirements as a result of this comment.</p>
<p>Comment #: 33 Author: Anonymous</p>	<a href="#">0166</a>	<p>I strongly oppose the inclusion of the attorney's date of birth on Form G-28. I am especially bothered by the fact that this change was not included in the proposed rule. Requiring attorneys to provide a date of birth is unnecessarily invasive and places attorneys at greater risk of identity theft. There is absolutely no justification for requiring attorneys to provide this sensitive information. Please remove the attorney's date of birth from Form G-28. Thank you.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 34 Author: Sandra Lopez Cruz</p>	<a href="#">0167</a>	<p>This will be an invasion of privacy and allow for identity theft. Especially as there are already a lot of cases of individuals pretending to be the attorney and using the attorney's information to work on cases even though those individuals are not at all connected to the attorney or to the attorney's firm.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 35 Author: Kevin Dixler</p>	<a href="#">0168</a>	<p>I have practiced immigration law, since 1993 in Chicago, Illinois. These are my thoughts</p> <p>The proposed Form G-28, OMB No. 1615-0105 has a significant structural flaws. It breaches the privacy of attorneys, among other concerns. Let's address and eliminate this major identity flaw, first! That is, delete Part 1, Item 3! Second, consider nuancing a paralegal's authority. Third, allow detained clients to waive signature when detained.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p> <p>A new G-28 is needed to remove the previous paralegal, and for the client to agree to allow</p>

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	<p>First, licensed attorneys dates of birth ought to remain as private as possible, since its disclosure can result in abuse and prove discriminatory. That is, unless they are the subject, petitioner or beneficiary.</p> <p>How can requesting this information lead to discrimination? Well, what will the service insist on next: discerning tattoos, weight, height, race, our home addresses, social security numbers, or the names of our first born? What next must a thoroughly scrutinized attorney disclose?</p> <p>Attorneys are officials of the court. They should never be obligated to disclose personal information to adjudicators or our clients, unless done voluntarily! It is demeaning to treat attorneys like applicants, yet another subject of potential abuse! To force licensed attorneys, under perpetual oath, to repeatedly disclose their birth date oversteps authority &amp; is an abuse of power. No rational basis exists for such an inquiry given other safeguards.</p> <p>My bar number is all the identification needed to represent individuals before DHS; I bring my bar card to each interview or meeting. I also carry a REAL ID driver's license for identification purposes.</p> <p>Such disclosures can lead to latent age discrimination or abuse by unproven rogue adjudicators and vindictive clients. An attorney's youth or years ought not to be an issue of concern; just the valid license to practice and/or proof of good standing.</p> <p>Listing an office's paralegal is an improvement. The agencies refuse to talk to anyone but the attorney particularly in routine status checks. Yet, the limits to a paralegal's responsibilities ought to be defined to avoid potential abuse. What's missing?</p> <p>The attorneys should be able to file G-28 notices of appearance 'without the client's signature' in limited ICE situations.</p> <p>This omission is absolutely essential for detained clients, often in distant states, but the attorney needs immediate information on the client's case status. Many detention facilities refuse to effectively cooperate with attorneys.</p> <p>Immigration court completely omits client's signatures on notices of appearance filed with the court on form EOIR-28.</p> <p>Clients are too often deprived of representation &amp; deported without an informed participating counsel. The requirement of a client signature should be waived for I.C.E.</p>	<p>USCIS to share information under the Privacy Act with the new paralegal.</p> <p>Client signatures are required to indicate that the client is allowing USCIS to communicate with their representative. However, while the signature must be handwritten, the form instructions for Form G-28 provide that the signature submitted to USCIS does not need to be the original signed G-28 but can be a photocopied, scanned, or faxed copy of the original signed G-28 containing the handwritten, ink signature.</p> <p>In response to public comments, USCIS updated the form instructions for Form G-28 to expand the limited interactions a designated paralegal is permitted to have with USCIS. A designated paralegal will generally be permitted to inquire about case status, request correspondence or notices, inquire about documents or cards that may need to be replaced, request appointment accommodations, schedule or reschedule appointments, and request a change of address. The authorities USCIS is permitting to be exercised by paralegals, while still limited, are as interested stakeholders have generally requested. Any further expansion beyond these limited interactions would require a change to regulations and not just a form change. Thus, we decline to further expand the interactions/responsibilities beyond those listed above.</p>
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		<p>appearances at a bare minimum!</p> <p>The recent trend to ignore unsigned G-28 forms for detainees must end! It creates a humanitarian mess &amp; needlessly disrupts the civil rights of American citizens &amp; their detained loved ones.</p> <p>Again, the most glaring item in the proposed form is that it requires a lawyer's date of birth. I cannot see any reason for this proposed disclosure. I have appeared in thousands of cases over 30 years. I can instantly produce a letter of good standing on my iPhone simply by logging into my account at <a href="http://www.iardc.org">www.iardc.org</a>.</p> <p>Never was I ever required to furnish my date of birth to any court or administrative tribunal as a condition of representing a client. My bar numbers disclosed on every pleading, as well as my EOIR number &amp; my USCIS number.</p> <p>My bar card &amp; State ID are more than enough for verification of identity. Again, there is a significant danger of identity theft because the client's file in the attorney's office belongs to the client.</p> <p>Even if attorneys dates of birth could be redacted; in practice it is impossible to intercept &amp; redact all from each &amp; every single document in a client A file. The Service has released G-28s for other attorneys &amp; negligently left identity numbers on released documents.</p> <p>Finally, there is a clear danger of identity theft by the employees of USCIS &amp; its contractors. The Inspector General has a website to report such 'proven' malfeasance, even by a former chief counsel in 2018.</p> <p>In Chicago, Russell Mendez, an I.N.S. adjudicator was convicted for abusing client's privacy by using his position to compromise clients. He also tormented attorneys, like me, with questionable decisions &amp; delays. Why tempt fate by eliciting private information about attorneys that contributes little to the administration of justice?</p> <p>To further belittle, compromise, &amp; demean attorneys further upsets the balance &amp; administration of justice. Just delete Part 1, Item 3, then eliminate the need to include a detained alien's signature!</p>	
<p>Comment #: 36 Author: Anonymous</p>	<p><a href="#">0169</a></p>	<p>I am an immigration attorney based in California and I object to being forced to disclose my date of birth on the new Form G-28. This is not only an egregious violation of my privacy, it may also be violation of California privacy laws. Forcing attorneys to disclose private information will undoubtedly lead to identity theft, among other serious</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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		<p>consequences for us legal representatives. We are obligated to provide clients with all the files from their case, which means every client we serve, the US government and anyone filing a FOIA request of any applications we have ever filed will have access to our private information and our information will be available to the public for perpetuity. In the current G-28, the government can get all necessary information without having to compromise our privacy, we are already listing our complete professional information, including state bar information, USCIS can check our information without forcing us to put our private and sensitive information out for the world to see. This intrusion into the privacy of attorneys will have a chilling effect in the desire of attorneys to serve the already underserved immigrant communities. Our age should have nothing to do with our legitimacy as attorneys. The purpose of the G-28 is to provide contact for us and authorization to represent the client; not to give our personal information. I urge USCIS to refrain from forcing us to disclose our date of birth via the new G-28 Form.</p>	
<p>Comment #: 37 Author: Julia Mercedes Riggs</p>	<p><a href="#">0170</a></p>	<p>I've been practicing immigration law for twelve years. I have serious concerns about listing the attorney's date of birth on the latest revision of the G-28, Notice of Entry of Appearance as Attorney or Accredited Representative form. My main reason for concern is the fact that a copy of the G-28 will go in my client's A file. While I know that if they FOIA'd their own records, my date or birth should be redacted, the people are doing the redactions are human and imperfect and could miss my date or birth. My personal information, other than business phone number and address, has no place in someone's A file. USCIS can use other methods verify my identity, like looking me up by my bar number, which is provided on the form.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 38 Author: Joy Ziegeweid</p>	<p><a href="#">0171</a></p>	<p>I write to strongly object to the inclusion of date of birth information for the attorney or accredited representative in the proposed new version of Form G-28. The government provides no reason or explanation for this proposed change, nor can there be a good reason to include sensitive personally identifying information of an attorney on the G-28. Including the date of birth would provide clients with attorney identifying information that they do not need and could possibly misuse. Subsequent FOIA requests could further disseminate the attorney date of birth to third parties; we all know that FOIAs are inconsistently redacted. There is simply no reason to expose attorneys to identity theft or worse. The current G-28 contains the attorney name and bar license number, which is all that is needed to confirm identity. What is even more egregious is that the instructions on the form state that this information will be required and the G-28 will not be accepted without this information. Forcing an attorney to provide this additional information is not just a burden, but is actively harmful for no identified benefit whatsoever. The "date of birth" field should be deleted from the proposed G-28.</p> <p>I also object to the further bloat of the form length. I remember when the G28 was one page long; why on earth must it now be expanded to five pages?</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p> <p>The relatively recent expansion in the length of the form is the result of requests by stakeholders or from concerns that have arisen in litigation. USCIS believes the questions on the form are all necessary and practical for the purposes of the form. In addition, adding white space and increasing font size, while increasing the perceived length of the form, improves readability and useability.</p>

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<p>Comment #: 39 Author: Amanda Doom</p>	<p><a href="#">0172</a></p>	<p>My name is Amanda Doom and I am a practicing immigration lawyer in Texas. While I welcome several changes proposed for the Form G-28, particularly the ability to file an entry of appearance without the client’s signature, I cannot fathom why the proposed form includes a section for my date of birth. It holds no bearing on my ability to represent an individual. Moreover, I cannot find a statute or regulation that requires such information from an attorney or representative in order to enter an appearance before this agency. As other commenters have noted, there is a significant danger of identity theft that far outweighs any plausible benefit to the Service. Should USCIS seek additional confirmation of my identity beyond one’s bar number, perhaps implementing a system similar to an EOIR ID number is the more appropriate approach.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p> <p>Client signatures are required to indicate that the client is allowing USCIS to communicate with their representative. However, while the signature must be handwritten, the form instructions for Form G-28 provide that the signature submitted to USCIS does not need to be the original signed G-28 but can be a photocopied, scanned, or faxed copy of the original signed G-28 containing the handwritten, ink signature.</p>
<p>Comment #: 40 Author: Anonymous</p>	<p><a href="#">0173</a></p>	<p>The proposed updated Form G-28, OMB No. 1615-0105, includes a problematic change that is not mentioned in the supplementary information: the attorney’s DOB. USCIS has provided no explanation for why it intends to require me, as an attorney, to provide this private information. Simply by having been accepted to my state’s bar or even applying for a USCIS account will satisfy this DOB requirement, which should not be required. There is absolutely no valid reason to require this on any paper submissions, which any of my clients are entitled to by law, as explained below.</p> <p>Attorneys are required to share all filings with their clients, including Form G-28. By requiring me to include my DOB, USCIS is confirming that it is being shared with my clients. While an individual’s zip code, race, gender, or date of birth is generally classified as non-sensitive personally identifiable information that is easily accessible from public sources, it is still additional information that can readily be used to impersonate a lawyer and commit identity theft.</p> <p>For identification purposes, my USCIS Online Account Number, Bar Number, Firm Phone Number, and Firm Address are sufficient to adequately identify me. It is unnecessary to provide third parties with additional personally identifiable information that could be used to commit identity theft. It is simply an unnecessary invasion of privacy.</p> <p>Issues I see: (1) my DOB is forever in my client’s FOIA results. That means when my client or a designated representative requests my client’s FOIA, my name, address and dob are all disclosed. G-28s are normally not redacted. (2) It is one more personal data point out there making me susceptible to identity theft or worse. (3) The more data points that are in the public domain on me can be combined with other data points from different sites. (4) I would question what legitimate use the USCIS is seeking for attorney DOB. (5)</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>

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		<p>USCIS' if the USCIS wanted to validate attorneys, they could use an account verification system, similar to ECAS, that is private as it relates to the client. (6) Is the USCIS violating privacy laws by requesting the attorney DOB for a non-legitimate use?</p> <p>I urge you to NOT include the "Date of Birth" for lawyers on Form G-28 for the above reasons and many others.</p>	
<p>Comment #: 41 Author: Anna Taylor</p>	<a href="#">0174</a>	<p>As an immigration attorney, I strenuously object to having to include our date of birth on the G-28. There is no legitimate reason to request this information and it increases the risk that attorneys and accredited representatives could have their identity stolen. USCIS does not give out its officers' dates of birth. Presumably, that is to protect the officers' privacy. It would be nice if we could be accorded the same respect.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 42 Author: Alicia Beesley</p>	<a href="#">0175</a>	<p>Lawyers should not be required to include DOB, we have a bar number, and legal name for identification. A DOB would be unnecessary and burdensome to be required to add for attorneys. It is irrelevant to the case and the ability to perform the duties of an attorney.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 43 Author: Anonymous</p>	<a href="#">0176</a>	<p>Dear USCIS:</p> <p>I am an IT engineer; I work with data and deal with data hacks everyday. I submit this comment to advise USCIS not to collect sensitive information that has little to no use on Form G-28. I strongly oppose the addition of a "date of birth" field for attorneys and legal representatives on the new Form G-28 and urge the agency to delete this from the proposed form. When we hear in the news everyday that our government agencies are under constant data security attacks by foreign adversaries, Adding a sensitive data field to the form seems ill advised. It looks like who ever suggested this wants our data stolen. As a person who works hard to prevent data theft and advises companies to collect minimal data that they absolutely require, Please do not gather this information. Unless our goal is to reduce the number of lawyers who practice Immigration law to help immigrants.</p> <p>Thank you.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 44 Author: Philip Hornik</p>	<a href="#">0177</a>	<p>I am an attorney who has practiced Immigration law since 1977. I strongly oppose USCIS' proposal to revise form G-28 to require that the attorney signing it include his/her date of birth. I see no valid reason for requiring this information. The attorney is currently obliged to provide their street address, telephone number, FAX number, mobile phone number and email address. This is more than sufficient to enable USCIS to maintain effective communication with the attorney and avoid the possibility of mistakenly communicating with another attorney who bears the same name as the attorney in question. More importantly, requiring the attorney's date of birth on the G-28 means that the attorney's clients will learn information about the attorney that is highly personal in nature.</p> <p>As best as I can tell, in USCIS' materials related to this proposal, USCIS does not even</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>



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		<p>offer a justification for requiring the attorney's date of birth. I am aware of no state or federal court that requires that an attorney provide a date of birth in order to enter a notice of appearance so I fail to see why USCIS should be requiring this information.</p>	
<p>Comment #: 45 Author: Michele Carney</p>	<p><a href="#">0178</a></p>	<p>Dear Chief Deshommes:</p> <p>In reviewing the proposed changes on the G-28, I welcome the inclusion of including paralegals under attorney supervision as that increases the availability of increased access to the USCIS for a client noncitizen's needs.</p> <p>I strongly oppose the inclusion of an attorney's birth date as it violates not only privacy but creates a chilling effect on attorneys who must disclose their own personal information on their client's documents that ultimately could expose them to cyber crime. The date of birth is a data point in the identification of a person. Combined with other data points could lead to increased risk of identity theft.</p> <p>It is interesting to note that the comments on the proposed changes only reflect the "Adding Paralegals and Other Law Firm Employees" and does not provide any justification for requiring an attorney's date of birth.</p> <p>However, under the Overview of the Information Collection, item #4 states that 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.</p> <p>Requiring a birth date has no bearing on whether an individual can appear as a representative. The bar number and admission to practice as a legal representative is the determining factor in whether an attorney can serve as a representative.</p> <p>Not only will adding this additional data increase the burden on the agency, it may also lead to potential lawsuits for breach of personal information.</p> <p>My suggestion is to move to a system that aligns with that used in EOIR cases. As noted on the EOIR site, eRegistry is part of a long-term agency plan to create an electronic case access and filing system for the immigration courts and the Board. The eRegistry will individually and uniquely identify each registered attorney or accredited representative and associate the information provided during registration with that attorney or accredited representative. This will increase efficiency by reducing system errors in scheduling matters and providing improved notice to attorneys and accredited representatives. Further, registration will ultimately enable an electronic filing system that will reduce the time and expense presently incurred with paper filings.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p> <p>DHS appreciates the suggestion, but an immigration practitioner registry exceeds what we can do through a form revision under the Paperwork Reduction Act.</p>



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		<p>Instead of USCIS adding an additional burden onto the G-28 form – under the presumed intent of efficiency, system errors and ultimately mandatory electronic filing – why not move towards creating a unique identifying number for attorneys that contains background information similar to the eRegistry program? If the USCIS did a one time verification procedure, our birth dates would not be on every G-28 and at risk of exposure in FOIAs (as even though they should be redacted under Exemption (b)(6) – this is not always done) and information that should be redacted is exposed.</p> <p>Also, the USCIS has to comply with the Privacy Act and I do not think the agency has provided any legal justification that fits within the 12 statutory exceptions. However, if the agency moved to an electronic registration system where attorneys did a one time verification, then this should be sufficient for both the agency and attorneys. The agency could require in person verification or use a virtual portal. Again, we could be given our own identification numbers as in EOIR cases which would be a separate identifier data point for the agency.</p> <p>Thank you for your consideration of the comments submitted</p>	
<p>Comment #: 46 Author: Anonymous</p>	<a href="#">0179</a>	<p>Attorneys should not be required to provide a DOB. Not only is this information not required for the practice of law, but age verification is done by the state upon application to the BAR. This information is unnecessary for USCIS and should not be required as the client would also have access to this information. This a serious privacy and security risk, not to mention it puts the attorney in an uncomfortable position with zero benefit to USCIS.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>
<p>Comment #: 47 Author: Stephanie Nodine</p>	<a href="#">0180</a>	<p>I am an immigration attorney and I will not be providing my DOB on the G-28. USCIS is going to be getting a lot of blank spaces if this form is approved. Not only is it an invasion of privacy and irrelevant, I could become obligated to provide this highly sensitive personal info to my clients as they are entitled to a copy of their file. It’s facilitating identity theft, and I can think of no legitimate purpose to be served by providing my DOB to USCIS.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>
<p>Comment #: 48 Author: Jamilah Espinosa</p>	<a href="#">0181</a>	<p>Requiring Attorney to disclose their birth dates can open the door for identity theft that is already so prevalent. I would ask that you please reconsider requiring at’orney’s to input their date of birth.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>
<p>Comment #: 49 Author: Srividya Krishnamurthy</p>	<a href="#">0182</a>	<p>I am an immigration attorney in private practice for over 20 years. Upon reviewing the changes proposed to Form G-28, I have noticed that the form requires more personal information to be disclosed by the attorney, including their date of birth. There is no valid reason as to why the USCIS requires the at’orney’s date of birth on this form, especially since this form needs to be shared with our clients. The form already asks for the At’orney’s Bar Number and our details can be identified by cross-verifying this</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>

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		information with the State Bar where we are admitted, if necessary. Disclosing our date of birth on a form that is shared with clients and can be easily revealed in any FOIA requests opens us up to identity theft and fraud. Therefore, I urge you to remove this field from the proposed form. Further, this form is unnecessarily long and could be much shorter.	
Comment #: 50 Author: Anonymous	<a href="#">0183</a>	There is no reason for USCIS to request an attorney date of birth on Form G-28. It provides no meaningful information in connection with representation of clients. Attorneys are required to provide the courts to which they admitted, which USCIS can verify and attorney bar numbers, which are also verifiable. Attorney birth dates provide no information about the individual's role as attorney and there is no reason for such information to be collected on Forms G-28. If the purpose is ascertaining the length of time an attorney has been admitted to practice law, USCIS can ask for dates of admission to the bar. Attorney birthdays are irrelevant and serve no purpose in our representation of our clients.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 51 Author: Sarah McElwaney	<a href="#">0184</a>	USCIS should not include an attorney's date of birth in the G-28. An attorney's DOB is irrelevant to the purpose and intention of the G-28 and unnecessarily invasive to immigration attorney's privacy. Attorneys already provide their state bar identification numbers as well as where they are barred. This information confirms that the individual is an attorney and is eligible to file a G-28 on behalf of their clients. Forcing attorneys to provide personal information unrelated to their profession and role with USCIS serves no purpose and will create another cooling effect for individuals wishing to practice immigration law. Immigration attorneys are not applying for benefits, they are providing legal representation for their clients who are entitled to have the representation. USCIS is grossly overstepping their role with this proposed addition as well as misunderstanding the purpose of the G-28.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 52 Author: Anna Ciesielski	<a href="#">0185</a>	Listing an attorney's date of birth on the form increases the risk to the attorney of age discrimination as well as identify theft. I strongly disagree with any suggestion that the attorney's date of birth should be listed on the G-28 form.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 53 Author: Law Office of Matthew J. Olsman	<a href="#">0186</a>	There is no reason an attorneys date of birth should be required on a g28. By providing our name, address and state of licensure and BAR number USCIS can easily look up whether the attorney is licensed to practice. To my knowledge, there is no database which would allow USCIS to verify us by DOB. Attorneys are entitled to keep our dates of birth private, and absent a reasonable justification related to verification of an attorneys licensure status, the attorneys dob should be taken off the form. At a minimum, it should be optional to include, and officers and mailroom personnel should be instructed not to reject a case for lack of an attorneys dob.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.

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<p>Comment #: 54 Author: Kathleen Irish</p>	<p><a href="#">0187</a></p>	<p>My name is Kathleen Irish. I am a practicing immigration lawyer in Kansas City, Missouri licensed in both Kansas and Missouri. I wish to comment on Form G-28, OMB No. 1615-0105. I am glad that it includes listing a paralegal, as this is a welcome improvement from situations where the agency will simply refuse to talk to anyone but the attorney even in routine status checks. As some other comments have noted, the attorneys should be able to file G-28 notices of appearance without the 'lient's signature. This is especially important where the client is in custody, often in a distant state, and the attorney needs immediate information as to the 'lient's case status. Immigration court does not require the 'lient's signature on notices of appearance filed with the court on form EOIR-28.</p> <p>'I can't see why USCIS and ICE should have any different procedure, especially because, as noted, the clients will often be unable to sign a G-28 notice of appearance due to custodial status.</p> <p>The worst thing about the proposed form is that it calls for the lawyer's date of birth. I cannot see any reason for this. I have been a lawyer for 36 years and I have appeared in hundreds if not thousands of cases. Never have I been required to furnish my date of birth to any court or administrative tribunal as a condition of representing a client. My bar numbers are always disclosed on every pleading, as well as my EOIR number and my USCIS number. This is more than enough information for my identity to be verified. And, as other commenters have pointed out, there is a significant danger of identity theft, because the 'lient's file in the at'orney's office belongs to the client, and even if an at'orney's date of birth could be redacted in theory, in practice it is just not possible to intercept and redact it from every single client copy of a standard form G-28 .</p> <p>Finally, there is a clear danger of identity theft by USCIS employees. There have been such cases, and in fact the Inspector General has a website to report such malfeasance. One case in 2018 even involved a high officer of DHS, Rafael Sanchez former Chief Counsel for the Seattle Office of Principal Legal Advisor (OPLA).</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p> <p>Client signatures are required to indicate that the client is allowing USCIS to communicate with their representative. However, while the signature must be handwritten, the form instructions for Form G-28 provide that the signature submitted to USCIS does not need to be the original signed G-28 but can be a photocopied, scanned, or faxed copy of the original signed G-28 containing the handwritten, ink signature.</p>
<p>Comment #: 55 Author: Sharadha Kodem</p>	<p><a href="#">018'</a></p>	<p>Let's see, this website"says "Do not submit personally identifiable information through this form. Any personally identifiable information (e.g., name, address, phone number) included in the comment form or in an attachment may be publicly disclosed in a docket or on the Internet (via Regulation".gov' a federal agency website, or a third-party, non-government website with access to publicly-disclosed data on Regulations.gov). By submitting a comment, you agree to the terms of participation and privacy n"tice." BUT you want attorneys to provide their DOB. For what purpose? Is the government really that scared of Immigration Attorney or that lazy that y'u can't reach out to the state bar?</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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<p>Comment #: 56 Author: DIANNE BONFIGLIO, ESQUIRE</p>	<p><a href="#">0189</a></p>	<p>Inefficiencies to be addressed: 1) DOB of Attorneys is Unnecessary and Invasive: Attorneys are officers of the court. It is NOT necessary to include Attorneys' "personally identifiable" information on a G-28. It is not relevant to professional performance or competence. Attorney history and background has already been vetted by the bar and courts of admission. This is an excessive request that is unnecessary. Identifying Attorneys by the bar and highest court of admission is fair and reasonable to verify credentials. Attorney date of birth does not verify credentials and provides personal information in files where it does not belong, as well as risks personally identifiable information to be released to clients, former clients, notarios, or anyone submitting a FOIA request.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 57 Author: Joseph Moro</p>	<p><a href="#">0190</a></p>	<p>It would be helpful to allow staff to communicate on behalf of attorneys with USCIS. I suggest removing the limitation to "paralegals" - there is no guarantee that someone with the "title" "paralegal" would have training in professional responsibility or legal ethics, to any further extent than other staff at a law firm. In most states, paralegals are not registered with the bar. An arbitrary requirement would result in title inflation. Attorneys should be able to identify any staff members, all of whom legally function as agents of the attorney, for communications with USCIS. To whatever extent that paralegals may be delegated more substantive tasks at a law firm, the matters for which USCIS proposes to allow paralegals to communicate with the agency - specifically for status updates, requesting correspondence, or scheduling issues - are strictly administrative tasks usually handled by legal assistants or secretaries.</p> <p>The form also asks for the attorney's date of birth, which appears unprofessional and inappropriate for inclusion on a pleading. To my knowledge, it is not normal for attorneys in any practice area to include their date of birth on pleadings, nor is it customary for licensed professionals in any area to include their own date of birth on their work product (e.g., a physician signing a medical record, or an accountant preparing a tax return). If USCIS seeks further verification of the identity of representatives practicing before the agency, I suggest the adoption of a registration system where attorneys submit evidence of their bar licensure and can provide appropriate identity verification information.</p> <p>Such a system could also maintain in one place a list of the attorney's designated paralegals and staff, rather than including a list on each individual G-28 form. The proposed form only allows identification of one paralegal. Given that paralegals and staff can change frequently, and that many cases are pending before USCIS for years, including this information on individual G-28 forms may require multiple updated G-28s to be filed during the pendency of each matter - ultimately resulting in more paperwork for representatives and for the agency to deal with. I am also concerned about the language of the consent to disclosure of records to the paralegal. Consent to disclosure should be limited to the signing attorney and agents of that attorney as identified by the attorney.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p> <p>There is no consistent definition of paralegal, but paralegal is a term that is generally understood to be an employee with more skill and experience than an "employee or volunteer." Otherwise, the employee named could be a temporary employee, or a summer employee, for example, who does not understand the limitations. USCIS will not require evidence or validation of the named paralegal's education or qualifications, but our intent is to encourage the attorney to designate someone of reasonable skill, understanding, and training.</p> <p>In response to public comments, USCIS updated the form instructions for Form G-28 to expand the limited interactions a designated paralegal is permitted to have with USCIS. A designated paralegal will generally be permitted to inquire about case status, request correspondence or notices, inquire about documents or cards that may need to be replaced, request appointment accommodations, schedule or reschedule appointments, and request a change of address. The authorities USCIS is permitting to be exercised by paralegals, while still limited, are as interested stakeholders have generally requested. Any further expansion beyond these</p>

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	<p>The proposed form contains no mechanism for an attorney to withdraw authorization for an previously authorized paralegal.</p> <p>Another issue for the electronic version of the G-28 is that the form allows the represented party to select whether notices and documents will be mailed to the address of the client or to the address of the attorney of record, after attorney submission. This question does not appear for the attorney to answer. This can create confusion where the client is completing the G-28, where the attorney is not aware of the option chosen by the client until the form is already signed and filed. I would request that this question also be included with the rest of the questions on the electronic G-28 for completion by the attorney.</p> <p>Other federal agencies like EOIR and the Department of Veterans Affairs already use an attorney registration system. USCIS using a similar model would allow the agency to better verify attorney identities and keep in one centralized file a list of staff members authorized to communicate with the agency. It may also help avoid problems I have experienced with mistakes on addresses for legal correspondence or with assigning cases to the attorney e-filing portal. USCIS representatives have told me that, when any information on an attorney's Form G-28 differs from the attorney's previously filed Form G-28 already used to register a USCIS online account, such as the address or phone number of the attorney, a paper-filed case will no longer sync with the attorney's USCIS online account and it is impossible to link the case to the existing online account. Given that addresses and phone numbers can also change often, a centralized system that would synchronize such data would improve communication and productivity.</p> <p>I propose that USCIS adopt a centralized attorney registration system, similar to EOIR and other federal agencies like the Department of Veterans Affairs, where attorneys practicing before USCIS can maintain accurate biographical information, contact information, verification of attorney licensing, and a register of all staff authorized to communicate with the agency. USCIS should remove the attorney date of birth question from the proposed G-28 form. While allowing paralegals and staff to communicate with USCIS on behalf of attorneys would be helpful, implementing such authorization through individual G-28 forms risks confusion and significant increase in the public burden for attorneys to submit revised forms reflecting staff changes during the pendency of individual cases.</p>	<p>limited interactions would require a change to regulations and not just a form change. Thus, we decline to further expand the interactions/responsibilities beyond those listed above. USCIS will be required to monitor if the paralegal who contacts us is the person authorized on the G-28. Validating more than one paralegal as authorized for all benefit requests is overly burdensome to administer for this implementation. Thus, we decline the suggestion to add more than one paralegal per G-28.</p> <p>DHS appreciates the suggestion, but an immigration practitioner registry exceeds what we can do through a form revision under the Paperwork Reduction Act.</p> <p>The questions about where notices and documents should be sent appears under the Client's Consent to Representation and Signature section. Therefore, these questions appear on the client side of the electronic version of Form G-28. The client's selection is reflected on the Form G-28 PDF, which is available in both the client and the attorney account. Attorneys can view the Form G-28 PDF to see how their client responded to these questions.</p>
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<p>Comment #: 58 Author: Lepore Taylor Fox LLP</p>	<p><a href="#">0191</a></p>	<p>On Page 1, Part 1, Item 3: There is no legal or regulatory authority to support the need for the attorney or legal representative to list their date of birth on the Form G-28. It is private information which has no bearing on the application. We strongly recommend that this item be removed.</p> <p>On Page 2, Part 3: Restricting the form to allow only one (1) paralegal to be able to contact USCIS on behalf of the client will unduly restrict the ability of law firms to operate efficiently and serve its clients. Specifically, paralegal staffing rotates regularly within law firms, not only due to turnover but also due to workload considerations. Cases may get reassigned and paralegal staff may be covering for each other during PTO. Considering the average length of time it takes USCIS to adjudicate most cases, it is unreasonable and overly restrictive for USCIS to expect the attorney and client to designate one paralegal to have the ability to interact with USCIS. Therefore, we propose removing this section and amending the language in Part 6 Item 1(B) to state: "According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I consent to the disclosure to paralegal and support staff of the Law Firm or Organization named in Part 2, Item 1(C) of this form of any records pertaining to me that appear in any system of records of USCIS." There should then be a box that may be checked off to indicate that the attorney and client both consent to this.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p> <p>USCIS will be required to monitor if the paralegal who contacts us is the person authorized on the G-28. Validating more than one paralegal as authorized for all benefit request is overly burdensome to administer for this implementation. Thus, we decline the suggestion to add more than one paralegal per G-28.</p>
<p>Comment #: 59 Author: Paul Law Firm PLLC</p>	<p><a href="#">0192</a></p>	<p>Please remove the field for Attorney's date of birth. I fail to see how this is necessary or relevant to representation of clients especially as attorneys already provide their bar information. This requirement feels intrusive and invasive. Thank you</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 60 Author: David Drake</p>	<p><a href="#">0193</a></p>	<p>Requiring that an attorney provide his/her date of birth on this form is pointless and a violation of privacy. Many lawyers will not comply with this and some are already contemplating lawsuits to enjoin this.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 61 Author: Jill Velt</p>	<p><a href="#">0194</a></p>	<p>Requiring an attorney to provide his/her date of birth is outrageous. It has absolutely no bearing on the case itself and clients are not prejudiced if an attorney does not disclose his/her DOB. It opens the attorney up to identity theft and is entirely irrelevant. There is no positive reason to require this and it should be immediately removed from a G28 or any other immigration form</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 62 Author: Alexander Wang</p>	<p><a href="#">0195</a></p>	<p>I want to share my feedback on the proposed regulation regarding adding paralegals and other law firm employees to the G-28 form. While I appreciate the initiative to enhance the representation process, I believe there are opportunities to refine the proposal for optimal implementation.</p> <p>I want to address the requirement for attorneys to provide their "date of birth" on page 1, part 1 of the form. This provision appears tangential to the intended objective of</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p> <p>USCIS will be required to monitor if the paralegal who contacts us is the person authorized on the G-28. Validating more than one paralegal as</p>



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		<p>incorporating paralegals and other law firm employees. It may inadvertently introduce privacy concerns without offering clear justification. I recommend reassessing the necessity of this information in relation to the overarching goal of the regulation.</p> <p>Furthermore, I commend the intention to broaden communication privileges to law firm employees beyond paralegals. However, given the transient nature of certain positions, particularly paralegals, a contingency plan should be in place to manage instances of employee turnover. A mechanism that allows for seamless updates to authorized representatives or introduces flexibility in submitting G-28 forms could mitigate potential disruptions in the representation process.</p> <p>Lastly, I endorse stipulating educational qualifications and training prerequisites for paralegals granted communication privileges. To ensure clarity and consistency, it would be beneficial to outline these standards in the regulation clearly. This proactive approach can help establish a uniform understanding among legal practitioners and regulatory authorities.</p> <p>In conclusion, I appreciate the efforts to enhance the representation process through the proposed changes. These suggestions can contribute to refining the regulation for optimal effectiveness and successful implementation.</p> <p>Thank you for considering these perspectives as part of the public consultation process.</p>	<p>authorized for all benefit request is overly burdensome to administer for this implementation. Thus, we decline the suggestion to add more than one paralegal per G-28.</p> <p>USCIS will not require evidence or validation of the named paralegal’s education or qualifications, but our intent is to encourage the attorney to designate someone of reasonable skill, understanding, and training.</p>
<p>Comment #: 63 Author: Anonymous</p>	<p><a href="#">0196</a></p>	<p>Dear Chief Deshommes:</p> <p>In a much needed and welcome update, USCIS proposes to add to Form G-28, OMB No. 1615-0105, authorization for communication between paralegals and other law firm employees and USCIS. This will increase the efficiency of law firms in representing their clients and reduce costs for immigrants when it is necessary for a law firm to contact the agency on their behalf. Thank you for making this update as it has been needed for years.</p> <p>Unfortunately, the proposed Form G-28, OMB No. 1615-0105, also includes an unwelcome change that is not mentioned in the supplementary information: the lawyer's birth date. USCIS has provided no explanation for why it intends to suddenly require lawyers to provide this additional personally identifiable information. Any security-base reason for requesting this information could be satisfied by requiring lawyers to provide it when obtaining their USCIS Online Account Number. However, there is no legitimate basis to require this on paper submissions.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>

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	<p>Lawyers are required to share all filings with their clients, including Form G-28. By requiring a lawyer to include their date of birth (and, frankly, their middle name) on Form G-28, USCIS ensures that additional information is being shared with the lawyer's client. While an individual's zip code, race, gender, or date of birth is generally classified as non-sensitive personally identifiable information that is easily accessible from public sources, it is still additional information that can readily be used to impersonate a lawyer and commit identity theft.</p> <p>As a lawyer, I have had clients who were solicited by unlicensed practitioners of law to take over my cases and then had the unlicensed practitioner utilize my G-28 and change the noted address to their own. By including my date of birth on Form G-28, it will also enable those unlicensed practitioners to further impersonate me, including with financial institutions and government agencies. For identification purposes, my USCIS Online Account Number, Bar Number, Firm Phone Number, and Firm Address are sufficient to identify me. It is unnecessary to provide third parties with additional personally identifiable information that could be used to commit identity theft in multiple forums. Lawyers go through rigorous licensing requirements and must maintain a high standard of character and behavior. Lawyers have an obligation to protect the privacy of the clients' information, whereas clients have no such obligation. Lawyers may also represent clients with a criminal background and there is no reason to share such personal and sensitive information with clients.</p> <p>By requiring lawyers to provide their date of birth, USCIS is breaching the fundamental trust that exists between lawyers, as officers of the court, and the government. It is an unnecessary solipsistic request that will deter individuals from practicing immigration law. In comparison, other government agencies do not require lawyers to put their date of birth on representation forms -- for example, Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); FBI Attorney Release Form; and many others. Simply put, requiring lawyers to put their date of birth on Form G-28 is unnecessary overreach.</p> <p>I urge you to not include the "Date of Birth" for lawyers on Form G-28 for the above reasons and many others.</p> <p>Thank you</p>	
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<p>Comment #: 64 Author: Catherine Gillespie</p>	<p><a href="#">0197</a></p>	<p>Gathering the attorney's date of birth is overly invasive. USCIS should not gather this personally identifiable information unnecessarily. There must be a less invasive way to accomplish whatever your goal is in including this field on the form.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 65 Author: Anonymous</p>	<p><a href="#">0198</a></p>	<p>The request for attorney's date of birth is unnecessary, serve no legitimate purpose and forms an invasion of privacy. It will also increase the chance of identity theft unnecessarily. Attorneys have bar numbers and their identity could be verified, if needed, through each state's bar online access using just name and address.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 66 Author: Beth Boyer</p>	<p><a href="#">0199</a></p>	<p>Including a paralegal on the G-28 is good and provides beneficiaries with additional avenues for the legal representative and his or her paralegal to contact USCIS about a matter.</p> <p>But the G-28 should NOT include the attorney's date of birth. It is entirely unnecessary for USCIS to capture that information (my bar number and USCIS number are on each form).</p> <p>I do not want those I represent to have this personal information about me as it puts me at risk for all manner of identity theft issues and is not germane to my representation.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 67 Author: Yasaman Anvari</p>	<p><a href="#">0200</a></p>	<p>As a current practicing attorney, I would like to voice my opposition against adding attorney's personal information including their DOB on G-28. The negative impact outweighs the benefits of adding this information. Attorneys can submit hundreds of G-28 and their personal information can be shared with different persons and this can put them in danger of identity theft, and their information can be misused and abused. I am strongly against adding any attorney's personal information including their DOB on the forms.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 68 Author: Elizabeth Buscaglia</p>	<p><a href="#">0201</a></p>	<p>USCIS proposes to add to Form G-28, OMB No. 1615-0105, authorization for communication between paralegals and other law firm employees and USCIS. I support this change, as it will increase the efficiency of law firms in representing their clients and reduce costs for immigrants when it is necessary for a law firm to contact the agency on their behalf.</p> <p>However, the proposed Form G-28, OMB No. 1615-0105, also includes a change that is not mentioned in the supplementary information: the lawyer's birth date. USCIS has not provided an explanation for why it intends to require lawyers to provide this additional personally identifiable information. Any security-based reason for requesting this information could be satisfied by requiring lawyers to provide it when obtaining their USCIS Online Account Number. However, there is no legitimate basis to require this on paper submissions.</p> <p>Lawyers are required to share all filings with their clients, including Form G-28. By</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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		<p>requiring a lawyer to include their date of birth on Form G-28, USCIS ensures that additional information is being shared with the lawyer's client. While an individual's zip code, race, gender, or date of birth is generally classified as non-sensitive personally identifiable information that is easily accessible from public sources, it is still additional information that can readily be used to impersonate a lawyer and commit identity theft.</p> <p>Including a date of birth on Form G-28 could potentially enable unlicensed practitioners to impersonate attorneys, including with financial institutions and government agencies. For identification purposes, my USCIS Online Account Number, Bar Number, Firm Phone Number, and Firm Address are sufficient to identify me. It is unnecessary to provide third parties with additional personally identifiable information that could be used to commit identity theft in multiple forums.</p> <p>By requiring lawyers to provide their date of birth, USCIS is breaching the fundamental trust that exists between lawyers, as officers of the court, and the government. By comparison, other government agencies do not require lawyers to put their date of birth on representation forms -- for example, Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); FBI Attorney Release Form; and many others. Simply put, requiring lawyers to put their date of birth on Form G-28 is unnecessary overreach.</p> <p>I strongly urge you to not include the "Date of Birth" for lawyers on Form G-28 for the above state reasons.</p> <p>Thank you, Elizabeth K. Buscaglia</p>	
<p>Comment #: 69 Author: Anonymous</p>	<p><a href="#">0202</a></p>	<p>Dear Chief Deshommes:</p> <p>In a much needed and welcome update, USCIS proposes to add to Form G-28, OMB No. 1615-0105, authorization for communication between paralegals and other law firm employees and USCIS. This will increase the efficiency of law firms in representing their clients and reduce costs for immigrants when it is necessary for a law firm to contact the agency on their behalf. Thank you for making this update as it has been needed for years.</p> <p>Unfortunately, the proposed Form G-28, OMB No. 1615-0105, also includes an unwelcome change that is not mentioned in the supplementary information: the lawyer's birth date. USCIS has provided no explanation for why it intends to suddenly require lawyers to provide this additional personally identifiable information. Any security-base reason for requesting this information could be satisfied by requiring lawyers to provide it when obtaining their USCIS Online Account Number. However, there is no legitimate</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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		<p>basis to require this on paper submissions.</p> <p>Lawyers are required to share all filings with their clients, including Form G-28. By requiring a lawyer to include their date of birth (and, frankly, their middle name) on Form G-28, USCIS ensures that additional information is being shared with the lawyer's client. While an individual's zip code, race, gender, or date of birth is generally classified as non-sensitive personally identifiable information that is easily accessible from public sources, it is still additional information that can readily be used to impersonate a lawyer and commit identity theft.</p> <p>As a lawyer, I have had clients who were solicited by unlicensed practitioners of law to take over my cases and then had the unlicensed practitioner utilize my G-28 and change the noted address to their own. By including my date of birth on Form G-28, it will also enable those unlicensed practitioners to further impersonate me, including with financial institutions and government agencies. For identification purposes, my USCIS Online Account Number, Bar Number, Firm Phone Number, and Firm Address are sufficient to identify me. It is unnecessary to provide third parties with additional personally identifiable information that could be used to commit identity theft in multiple forums.</p> <p>By requiring lawyers to provide their date of birth, USCIS is breaching the fundamental trust that exists between lawyers, as officers of the court, and the government. It is an unnecessary solipsistic request that will deter individuals from practicing immigration law. In comparison, other government agencies do not require lawyers to put their date of birth on representation forms -- for example, Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); FBI Attorney Release Form; and many others. Simply put, requiring lawyers to put their date of birth on Form G-28 is unnecessary overreach.</p> <p>I urge you to not include the "Date of Birth" for lawyers on Form G-28 for the above reasons and many others.</p> <p>Thank you.</p>	
<p>Comment #: 70 Author: Anonymous</p>	<p><a href="#">0203</a></p>	<p>I am submitting this comment to object to the inclusion of date of birth information for the attorney or accredited representative in the proposed new version of Form G-28. There is no provided reason for this proposed change, and there cannot be a good reason to include the representative's personally identifying information. Including this information on Form G-28 serves no purpose and could only be used to expose attorneys to identity theft or worse. For this reason, I respectfully request the attorney's Date of Birth be excluded from Form G-28. Thank you.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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<p>Comment #: 71 Author: Apa, Martin &amp; Buscaglia PLLC</p>	<p><a href="#">0204</a></p>	<p>USCIS proposes to add to Form G-28, OMB No. 1615-0105, authorization for communication between paralegals and other law firm employees and USCIS. I support this change, as it will increase the efficiency of law firms in representing their clients and reduce costs for immigrants when it is necessary for a law firm to contact the agency on their behalf.</p> <p>However, the proposed Form G-28, OMB No. 1615-0105, also includes a change that is not mentioned in the supplementary information: the lawyer's birth date. USCIS has not provided an explanation for why it intends to require lawyers to provide this additional personally identifiable information. Any security-based reason for requesting this information could be satisfied by requiring lawyers to provide it when obtaining their USCIS Online Account Number. However, there is no legitimate basis to require this on paper submissions.</p> <p>Lawyers are required to share all filings with their clients, including Form G-28. By requiring a lawyer to include their date of birth on Form G-28, USCIS ensures that additional information is being shared with the lawyer's client. While an individual's zip code, race, gender, or date of birth is generally classified as non-sensitive personally identifiable information that is easily accessible from public sources, it is still additional information that can readily be used to impersonate a lawyer and commit identity theft.</p> <p>Including a date of birth on Form G-28 could potentially enable unlicensed practitioners to impersonate attorneys, including with financial institutions and government agencies. For identification purposes, my USCIS Online Account Number, Bar Number, Firm Phone Number, and Firm Address are sufficient to identify me. It is unnecessary to provide third parties with additional personally identifiable information that could be used to commit identity theft in multiple forums.</p> <p>By requiring lawyers to provide their date of birth, USCIS is breaching the fundamental trust that exists between lawyers, as officers of the court, and the government. By comparison, other government agencies do not require lawyers to put their date of birth on representation forms -- for example, Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); FBI Attorney Release Form; and many others. Simply put, requiring lawyers to put their date of birth on Form G-28 is unnecessary overreach.</p> <p>I strongly urge you to not include the "Date of Birth" for lawyers on Form G-28 for the above state reasons.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
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		Thank you, Jill A. Apa	
Comment #: 72 Author: Martha Brown	<a href="#">0205</a>	<p>I appreciate the positive update regarding USCIS's proposal to allow communication authorization between law firm staff and USCIS through Form G-28, OMB No. 1615-0105. This enhancement will undoubtedly improve law firms' efficiency in representing clients and reduce costs for immigrants needing agency communication via their legal representatives. Your responsiveness to this longstanding need is commendable.</p> <p>However, I must express my concern about an aspect of the proposed form that was not adequately explained in the supplementary information. Specifically, the requirement for lawyers to provide their birth dates raises questions. While security needs could be met by collecting such information when obtaining the USCIS Online Account Number, it seems unnecessary for paper submissions. It's worth noting that other government agencies do not impose such a requirement on lawyers in their representation forms. For instance, Form EOIR-29 (DHS), Form SSA-1696 (Social Security), Forms 2848 and 8821 (IRS), FBI Attorney Release Form, among others, do not mandate the disclosure of lawyers' birth dates. To put it succinctly, the insistence on lawyers divulging their birth dates on Form G-28 is an unnecessary overreach. There is no justifiable reason to expose further personally identifiable information to external parties, which could be exploited to commit identity theft across multiple platforms.</p> <p>Revealing birth dates, though seemingly innocuous, could inadvertently expose sensitive information when shared with clients. This poses risks of identity theft, potentially impacting interactions with financial institutions and government bodies. Given that existing identifiers like the USCIS Online Account Number, Bar Number, Firm Phone Number, and Firm Address suffice for identification, demanding additional personal information appears excessive.</p> <p>I urge you to reconsider the necessity of including lawyers' birth dates on Form G-28, considering its potential implications on security and privacy. Thank you for your attention to this matter.</p>	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 73 Author: Daniel Jones	<a href="#">0206</a>	The proposed addition of a date of birth to Form G-28 is an unnecessary violation of attorneys' privacy and will unnecessarily place identity theft sensitive information in the hands of clients and, potentially, the public. It is highly improper for USCIS to demand this information as part of every client's immigration filings.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.

**Form G-28-010 Revision Responses to 60-day FRN Public Comments**

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

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<p>Comment #: 74 Author: Vaughn Cook</p>	<p><a href="#">0207</a></p>	<p>Agency: U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS) Document Type: Notice Title: Agency Information Collection Activities; Revision of a Currently Approved Collection: Notice of Entry of Appearance as Attorney or Accredited Representative Document ID: USCIS-2008-0037-0128</p> <p>Comment: Dear Chief Deshommes:</p> <p>I think some of the changes such as the ability to designate a paralegal for ease of communication with USCIS is helpful and reduces time and expense for clients and attorneys.</p> <p>Unfortunately, the proposed Form G-28, OMB No. 1615-0105, also includes an unwelcome change that is not mentioned in the supplementary information: the lawyer's or accredited representative's birth date. USCIS has provided NO explanation for why it intends to suddenly require lawyers and representatives to provide this additional personally identifiable information. Any security-base reason for requesting this information could be satisfied by requiring lawyers to provide it when obtaining their USCIS Online Account Number. However, there is no legitimate basis to require this on paper submissions.</p> <p>By requiring lawyers to provide their date of birth, USCIS is breaching the fundamental trust that exists between lawyers, as officers of the court, and the government. It is an unnecessary solipsistic request that will deter individuals from practicing immigration law. In comparison, other government agencies do not require lawyers to put their date of birth on representation forms -- for example, Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); FBI Attorney Release Form; and many others. Simply put, requiring lawyers to put their date of birth on Form G-28 is unnecessary overreach.</p> <p>I urge you to not include the "Date of Birth" for lawyers on Form G-28 for the above reasons and many others.</p> <p>Very Truly Yours,  Vaughn G. T. Cook</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
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<p>Comment #: 75 Author: Anonymous</p>	<p><a href="#">0208</a></p>	<p>An attorney or representative's birthdate is confidential and not needed for any purpose under the G-28.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 76 Author: Gerard M Chapman</p>	<p><a href="#">0209</a></p>	<p>Dear Chief Deshommes: I understand that USCIS proposes to change Form G-28, OMB No. 1615-0105, so that it authorizes communication between USCIS and paralegals and other law firm employees. I support this change and thank you for moving forward with it. However, the proposed Form G-28, OMB No. 1615-0105, also includes another change that should be deleted: the lawyer's birth date. USCIS has not explained why this is a good idea, much less why it is necessary for case processing, etc. Any security-base reason for requesting this information could be satisfied easily by requiring lawyers to provide it when obtaining their USCIS Online Account Number. However, there is no logical reason to require this on paper submissions. Lawyers must obtain a signed G-28 from their clients before filing applications with USCIS. If the lawyer's DOB is on the form, the DOB now is in the possession of the client. By requiring a lawyer to include their DOB (and their middle name) on Form G-28, USCIS ensures that this additional information is being shared with the lawyer's client. Such additional information that can readily be used to impersonate a lawyer and commit identity theft. By including the lawyer's DOB on Form G-28, unlicensed practitioners who might gain access to the G-28 can impersonate the lawyer, not only with USCIS, but also with financial institutions and other government agencies. For identification purposes, the USCIS Online Account Number, Bar Number, Firm Phone Number, and Firm Address are sufficient to identify the lawyer. It is unnecessary to provide clients and other third parties with additional personally identifiable information that could be used to commit identity theft. By comparison, other government agencies do not require lawyers to put their date of birth on similar representation forms -- for example, Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); and FBI Attorney Release Form. Since USCIS has not included the attorney's DOB on the G-28 for decades, and no justification has been offered for it now, and including it creates the real possibility of third party fraud and identify theft, I urge you to not include the DOB for lawyers on Form G-28. Thank you for your consideration of these remarks. Best regards Gerard M. Chapman NC State Bar No, 8215</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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<p>Comment #: 77 Author: Law Office Jack G Cameron PC</p>	<p><a href="#">0210</a></p>	<p>Agency: U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)</p> <p>Document Type: Notice</p> <p>Title: Agency Information Collection Activities; Revision of a Currently Approved Collection: Notice of Entry of Appearance as Attorney or Accredited Representative</p> <p>Document ID: USCIS-2008-0037-0128</p> <p>Comment:</p> <p>Dear Chief Deshommes:</p> <p>In a much needed and welcome update, USCIS proposes to add to Form G-28, OMB No. 1615-0105, authorization for communication between paralegals and other law firm employees and USCIS. This will increase the efficiency of law firms in representing their clients and reduce costs for immigrants when it is necessary for a law firm to contact the agency on their behalf. Thank you for making this update as it has been needed for years.</p> <p>Unfortunately, the proposed Form G-28, OMB No. 1615-0105, also includes an unwelcome change that is not mentioned in the supplementary information: the lawyer's birth date. USCIS has provided no explanation for why it intends to suddenly require lawyers to provide this additional personally identifiable information. Any security-base reason for requesting this information could be satisfied by requiring lawyers to provide it when obtaining their USCIS Online Account Number. However, there is no legitimate basis to require this on paper submissions.</p> <p>Lawyers are required to share all filings with their clients, including Form G-28. By requiring a lawyer to include their date of birth (and, frankly, their middle name) on Form G-28, USCIS ensures that additional information is being shared with the lawyer's client. While an individual's zip code, race, gender, or date of birth is generally classified as non-sensitive personally identifiable information that is easily accessible from public sources, it is still additional information that can readily be used to impersonate a lawyer and commit identity theft.</p> <p>By including my date of birth on Form G-28, it could also enable unlicensed practitioners and scammers to impersonate me, including with financial institutions and government agencies. For identification purposes, my USCIS Online Account Number, Bar Number, Firm Phone Number, and Firm Address are sufficient to identify me. It is unnecessary to provide third parties with additional personally identifiable information that could be used</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
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		<p>to commit identity theft in multiple forums.</p> <p>By requiring lawyers to provide their date of birth, USCIS is breaching the fundamental trust that exists between lawyers, as officers of the court, and the government. It is an unnecessary solipsistic request that will deter individuals from practicing immigration law. In comparison, other government agencies do not require lawyers to put their date of birth on representation forms. See Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); FBI Attorney Release Form; and many others. I urge you to not include the "Date of Birth" for lawyers on Form G-28 for the above reasons and many others.</p> <p>Thank you          Jack G. Cameron, Law Office of Jack G. Cameron, P. C., P.O. Box 1079, Ft. Worth, Texas 76101. <a href="mailto:jackgcameron@sbcglobal.net">jackgcameron@sbcglobal.net</a> (817) 870-2656</p>	
<p>Comment #: 78          Author:          Anonymous</p>	<p><a href="#">0211</a></p>	<p>Lawyers are required to share all filings with their clients, including Form G-28. By requiring a lawyer to include their date of birth (and, frankly, their middle name) on Form G-28, USCIS ensures that additional information is being shared with the lawyer's client. While an individual's zip code, race, gender, or date of birth is generally classified as non-sensitive personally identifiable information that is easily accessible from public sources, it is still additional information that can readily be used to impersonate a lawyer and commit identity theft.</p> <p>By requiring lawyers to provide their date of birth, USCIS is breaching the fundamental trust that exists between lawyers, as officers of the court, and the government. It is an unnecessary solipsistic request that will deter individuals from practicing immigration law. In comparison, other government agencies do not require lawyers to put their date of birth on representation forms -- for example, Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); FBI Attorney Release Form; and many others. Simply put, requiring lawyers to put their date of birth on Form G-28 is unnecessary overreach.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 79          Author:          Anonymous</p>	<p><a href="#">0212</a></p>	<p>The proposed Form G-28, OMB No. 1615-0105, though proposing a most efficient aspect by allowing communications between paralegal and USCIS, unfortunately, also includes an unwelcome change that is not mentioned in the supplementary information: the lawyer's birth date. USCIS has provided no explanation for why it intends to suddenly require lawyers to provide this additional personally identifiable information. Any security-base reason for requesting this information could be satisfied by requiring lawyers to provide it when obtaining their USCIS Online Account Number. There is no legitimate basis to require this on paper submissions.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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		<p>Including lawyers birth dates simply put – allows for more accessibility to fraudulent activity and an incredible loss of privacy. Lawyers are required to share all filings with our clients, including Form G-28. By requiring a lawyer to include their date of birth, along with their middle name on Form G-28, USCIS is guaranteeing that this additional information is being shared with the lawyer's client, thereby leading to an increase in the likelihood of fraud and misuse of personal data. While an individual's zip code, race, gender, or date of birth is generally classified as non-sensitive personally identifiable information that is easily accessible from public sources, the totality of the information now coupled with one's date of birth is a recipe for fraudulent activities on all levels. This additional information can readily be used to impersonate a lawyer and commit identity theft.</p> <p>At present time, I am constantly receiving a tremendous number of unsolicited emails and calls, all under the guise of having connections to my firm and my colleagues. By including my date of birth on Form G-28, it will lead to easier access to obtain a myriad of other personal information, including critical sensitive banking information. It is unnecessary to provide third parties with additional personally identifiable information that could be used to commit identity theft in multiple forums. This is a formula for identify theft which is already rampant in our lives.</p> <p>By requiring lawyers to provide their date of birth, USCIS is breaching the fundamental trust that exists between lawyers, as officers of the court, and the government. Simply put, requiring lawyers to put their date of birth on Form G-28 is unnecessary overreach and puts the attorney at great personal and professional harm.</p> <p>I respectfully request you to think carefully of the repercussions on our personal and professional lives and reputation in a world that is rampant with identify theft and fraud. I urge you to not include the "Date of Birth" for lawyers on Form G-28 for the above reasons and many others.</p> <p>Thank you,</p>	
<p>Comment #: 80 Author: Anonymous</p>	<p><a href="#">0213</a></p>	<p>The proposed addition of the attorney's DOB to the G-28 is inappropriate. This should be removed from the form. Any attorney data collection should be strictly limited to current information collected. A Bar number is included, a USCIS account number is also included, providing USCIS with sufficient information to determine the eligibility of the G-28 attorney of record.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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<p>Comment #: 81 Author: Shirley Woodward</p>	<p><a href="#">0214</a></p>	<p>Please do not include the attorney's date of birth on the G-28. This is unnecessary and puts attorneys at risk of identity theft and impersonation.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 82 Author: John Lasseigne</p>	<p><a href="#">0215</a></p>	<p>I am delighted that USCIS is opening up the G-28 to others besides attorneys and accredited representatives. Paralegals should be allowed to contact USCIS about cases they work on with their attorneys. Having only one paralegal on the G-28 may be too limiting, however. Why can we not list two or three paralegals' names? At larger firms, multiple paralegals work on the same file. And when one paralegal leaves the firm's employment, another paralegal can assume the USCIS communications without the need for a new G-28.</p> <p>Also, I don't understand why USCIS needs the attorney's birthdate on the G-28. That information is completely extraneous to the case. Will the attorney birthdate be used as a password for authentication purposes? If so, another passcode or word would be more appropriate. Why not allow the attorney to give a code or a password on the G-28 that USCIS could then use for authentication?</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p> <p>USCIS will be required to monitor if the paralegal who contacts us is the person authorized on the G-28. Validating more than one paralegal as authorized for all benefit request is overly burdensome to administer for this implementation. Thus, we decline the suggestion to add more than one paralegal per G-28.</p> <p>A new G-28 is needed to remove the previous paralegal, and for the client to agree to allow USCIS to share information under the Privacy Act with the new paralegal.</p> <p>DHS appreciates the suggestion, but an immigration practitioner registry exceeds what we can do through a form revision under the Paperwork Reduction Act.</p>
<p>Comment #: 83 Author: Greg Siskind</p>	<p><a href="#">0216</a></p>	<p>Requiring an attorney to provide a date of birth is ridiculous overreach on the part of USCIS and unnecessary. A bar number is provided and a license can easily be checked with that information. Furthermore, the attorney is signing a sworn attestation and that ought to mean something. Enough with the form bloat.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 84 Author: WA LAW GROUP, LLC</p>	<p><a href="#">0217</a></p>	<p>We oppose this proposed changes to the G-28 form. Providing an attorney's birthday on the form invites identity theft and it is an irrelevant information for the representation of a client.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 85 Author: David Amar</p>	<p><a href="#">0221</a></p>	<p>The authorization for communication between paralegals and other law firm employees and USCIS is welcome. This will increase the efficiency of law firms in representing their clients and reduce costs for immigrants when it is necessary for a law firm to contact the agency on their behalf. However, a "blanket" paralegal authorization would be more</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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	<p>effective due to paralegal and other non-attorney turnover rates at law firms.</p> <p>The other proposed amendments to Form G-28 is significant and concerning: the mandatory inclusion of the lawyer's birth date. The rationale behind USCIS's sudden insistence on soliciting this additional personally identifiable information remains conspicuously absent. If the intention behind this request pertains to security concerns, it would be more judicious to mandate the provision of this information during the process of obtaining the USCIS Online Account Number, thereby addressing any underlying security-related objectives. It must be underscored that imposing such a requirement for traditional paper submissions lacks a legitimate justification.</p> <p>It is incumbent upon lawyers to share all submission records, including Form G-28, with their clients. By enforcing the inclusion of a lawyer's birth date (and even their middle name) on Form G-28, USCIS inadvertently ensures the sharing of supplementary information with the lawyer's client. While elements like an individual's zip code, race, gender, or date of birth are generally classified as non-sensitive personally identifiable data, readily accessible through public sources, the incremental addition of such information can still be leveraged to impersonate a lawyer, consequently facilitating identity theft.</p> <p>I have encountered numerous secondhand instances where unlicensed practitioners of law have approached colleagues' clients, attempting to take over their cases, and have exploited my G-28 form to modify the designated address to their own. By introducing the attorney date of birth onto Form G-28, the door would be opened for these unlicensed practitioners to further impersonate attorney identities, extending their reach to interactions with financial institutions and government agencies. For purposes of identification, the attorney's USCIS Online Account Number, Bar Number, Firm Phone Number, and Firm Address suffice to establish attorney identity. The dispensation of additional personally identifiable information to external parties, which could potentially be employed for identity theft across various platforms, is entirely superfluous.</p> <p>In mandating lawyers to furnish their date of birth, USCIS inadvertently jeopardizes the foundational trust underpinning the relationship between lawyers, regarded as officers of the court, and the government. This request stands as a gratuitous and solipsistic demand that has the unintended consequence of deterring aspiring practitioners in the field of immigration law. A comparative analysis reveals that other governmental entities do not impose a requisite for lawyers to divulge their date of birth in representation forms, a case in point being Form EOIR-29 (DHS), Form SSA-1696 (Social Security), Forms 2848 and 8821 (IRS), FBI Attorney Release Form, among others. Put succinctly, the insistence on appending a lawyer's date of birth to Form G-28 constitutes an unwarranted overreach.</p>	<p>USCIS will be required to monitor if the paralegal who contacts us is the person authorized on the G-28. Validating more than one paralegal as authorized for all benefit request is overly burdensome to administer for this implementation. Thus, we decline the suggestion to add more than one paralegal per G-28.</p> <p>A new G-28 is needed to remove the previous paralegal, and for the client to agree to allow USCIS to share information under the Privacy Act with the new paralegal.</p>
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		I therefore urge you to reconsider the proposal to incorporate the "Date of Birth" stipulation for lawyers on Form G-28.	
Comment #: 86 Author: Lacy Panyard Holton	<a href="#">0222</a>	There is no legitimate purpose to request an attorney's date of birth on a case. It's an invasion of privacy. You need to eliminate that requirement as soon as possible.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 87 Author: Lina Baroudi	<a href="#">0223</a>	As an immigration attorney, I strongly oppose the proposed change to require an attorney's date of birth on the Form G-28. USCIS has not offered any justification to collect personal information about an attorney, which makes us vulnerable to identity theft and forces us to share information with the government and with clients that is completely irrelevant to our representation. Already, the public has access to our full names, addresses, phone numbers, emails, websites, and state bar licensing information.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 88 Author: Munoz Legal	<a href="#">0224</a>	As a practicing immigration attorney, I have some serious concerns about putting my date of birth on a form that can be accessed by anyone who sees the G28. This is a serious violation of privacy and leaves us susceptible to fraud and identity deception. Please do not require attorneys to include their date of birth - we have to include our bar number which should be sufficient for the Department.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 89 Author: Megan Pastrana	<a href="#">0225</a>	The "date of birth" field should be deleted from the proposed G-28. I write to strongly object to the inclusion of date of birth information for the attorney or accredited representative in the proposed new version of Form G-28. The government provides no reason or explanation for this proposed change, nor can there be a good reason to include sensitive personally identifying information of an attorney on the G-28. Including the date of birth would provide clients with attorney identifying information that they do not need and could possibly misuse. Subsequent FOIA requests could further disseminate the attorney date of birth to third parties; we all know that FOIAs are inconsistently redacted. There is simply no reason to expose attorneys to identity theft or worse. The current G-28 contains the attorney name and bar license number, which is all that is needed to confirm identity. What is even more egregious is that the instructions on the form state that this information will be required and the G-28 will not be accepted without this information. Forcing an attorney to provide this additional information is not just a burden, but is actively harmful for no identified benefit whatsoever.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 90 Author: Megan Pastrana	<a href="#">0226</a>	I write to strongly object to the inclusion of date of birth information for the attorney or accredited representative in the proposed new version of Form G-28. The government provides no reason or explanation for this proposed change, nor can there be a good reason to include sensitive personally identifying information of an attorney on the G-28. Including the date of birth would provide clients with attorney identifying information that	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.

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		they do not need and could possibly misuse. Subsequent FOIA requests could further disseminate the attorney date of birth to third parties; we all know that FOIAs are inconsistently redacted. There is simply no reason to expose attorneys to identity theft or worse. The current G-28 contains the attorney name and bar license number, which is all that is needed to confirm identity. What is even more egregious is that the instructions on the form state that this information will be required and the G-28 will not be accepted without this information. Forcing an attorney to provide this additional information is not just a burden, but is actively harmful for no identified benefit whatsoever. The “date of birth” field should be deleted from the proposed G-28.	
Comment #: 91 Author: John Carroll, Esq.	<a href="#">0227</a>	I write to object to the inclusion of attorney date of birth as a field to be filled on the Form G-28. This information is not necessary for the Department of Homeland Security or the Department of State to verify an attorney's professional credentials, as state of admission and bar numbers are collected on this form, and disclosure of date of birth unnecessarily exposes attorneys to risks of identity theft and fraud.	USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.
Comment #: 92 Author: Kristen Coffey	<a href="#">0228</a>	<p><b>Proposed Addition of Attorney's Date of Birth</b> USCIS has no reasonable or lawful purpose for, nor legitimate interest in collecting attorneys' dates of birth. It is an invasion of privacy and should be removed from the proposed form. Including our date of birth is extremely fear-inducing to many attorneys, including myself, who work with asylum-seekers and other victims of crime.</p> <p>An attorney's date of birth is not associated with Attorney License IDs and its addition does not serve any useful purpose. Please tell us, in what jurisdiction does an administrative body or court require an already-licensed attorney to identify themselves with additional, personal information such as their date of birth. In all other bodies and courts, the attorney's name, license number, firm information, and contact information is sufficient.</p> <p>If USCIS chooses to add this field, don't expect us to fill it out. I, for one, will absolutely not be filling out that information. Many attorneys are in an uproar about this proposed addition, and I have not encountered any single attorney who plans to include their date of birth on this form. Asking us to do so invokes serious concerns of confidentiality and identity theft. As much as we love our clients, we do not want them to have all of our personal information, such as our date of birth.</p> <p>Importantly, many attorneys work with victims of crime and/or asylum seekers, so expanding the attorney's personal information causes concerns about what happens if our clients' abusers or persecutors obtain our personal data. Many law firms have already had to increase their security. For example, my firm only has female employees. We have had to start locking our office door during business hours and buy a Ring doorbell due to</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p> <p>The relatively recent expansion in the length of the form is the result of requests by stakeholders or from concerns that have arisen in litigation. USCIS believes the questions on the form are all necessary and practical for the purposes of the form.</p> <p>USCIS considered creating an addendum/exhibit to the Form G-28 for paralegals and determined it would ultimately result in increasing the burden of the form, which is counter to the goals of the PRA.</p>

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	<p>concerns of abusers or persecutors of Asylum, VAWA, and U Visa clients attempting to enter our office. Some of these clients' abusers or persecutors have included individuals involved in criminal organizations like MS-13. Please do not allow our personal information to be so readily-available to them.</p> <p>What if a client's abuser obtains a copy of the G-28 with the attorney's date of birth and is able to locate the attorney's residential address with the additional information? What if a client's copy of the G-28 is misplaced and the attorney's date of birth enables and results in identity theft? What if an attorney is afraid-induced nightmares about a client's abuser finding their home address after obtaining their date of birth? Is USCIS prepared for the inevitable civil suits and damages arising from this addition?</p> <p>Further, the proposed addition of the attorney's date of birth gives rise to a "slippery slope" argument, causing attorneys worry that the addition of our marital status, gender, and home address would be next.</p> <p>Since USCIS has no lawful or reasonable purpose to collect this information, there is no reason to include it. USCIS can continue to identify the attorney by their firm name and bar/license number, just like all other administrative bodies and courts.</p> <p>Proposed Formatting Changes; Proposed Addition of Multiple Jurisdictions and Bar Numbers (Page 1, Part 2); &amp; Proposed Addition of Paralegal Section (all of which results in the forms expansion to 5 pages)</p> <p>The proposed G-28 format is reminiscent of the Forms I-360 and I-131, which, among attorneys are known to have the worst layouts of any USCIS forms. The two-column format is by-far better than the one-column format used on the Forms I-360, I-131, and now the proposed G-28. To illustrate the problem, please see the applicant's signature/date boxes on the Form I-131. Please don't make the G-28, which is the most common form used by attorneys, a confusing form that only serves to cause headaches to both attorneys and their immigrant clients.</p> <p>Having space for one jurisdiction and license on the first page and including the current instructions is sufficient. Just clarify the current instructions to be clear that the attorney should include all states/jurisdictions in which they are a member.</p> <p>The new paralegal section could be made into an addendum or worksheet, similar to the I-765 WS, thereby saving space for those who won't use this section. This would also prevent requiring an entirely new G-28 each time a new paralegal works on the case, which is common due to the high turnover rate of paralegals and the increasingly common</p>	
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		<p>use of remote paralegal services.</p> <p>Simply put, these changes increases the cost of doing business and are in direct contrast to the Paperwork Reduction Act. There has to be another way/format that prevents this form from being expanded to yet another page of the notoriously-expensive blue paper that we must use for this form. There is so much empty space on page three of the current form that it is difficult to believe that this form could not be kept to four pages.</p>	
<p>Comment #: 93 Author: Rebecca Rojas</p>	<a href="#">0229</a>	<p>Hello - Putting the attorney's date of birth on the G-28 is inappropriate and unnecessary. There are many other less invasive methods to confirm identity, such as bar number or USCIS attorney number.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 94 Author: Griselle Garcia</p>	<a href="#">0230</a>	<p>As an immigration attorney, I strongly object that my date of birth is shown or entered into any document or paperwork that anyone may have access to it. I do not see how is it relevant my date of birth for any process filed by me, as attorney of record, before USCIS. This is extraordinarily invasive to my private information. As attorneys, we already provide our bar numbers, and anyone that is interested may contact said bars and obtain information as to our good standing in said jurisdictions. No other agency requires us attorneys to provide such a sensitive piece of information when submitting documents and/or petitions on behalf of our clients. I emphatically oppose this absurd request from USCIS.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 95 Author: Thushanti Kamalakanth</p>	<a href="#">0231</a>	<p>I am an Attorney and I am appalled by the idea that we are required to provide our DOB with the new G-28. How is this acceptable? Clients will have our private information with them since they always get a copy of the whole filing. Our privacy and security will be compromised by this request.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 96 Author: Anonymous</p>	<a href="#">0232</a>	<p>The new form requests Attorneys to put down information regarding their date of birth on the forms. How is this relevant to the representation? How is this acceptable? Clients will have the Attorney's private information since they always get a copy of the whole filing. Attorney's privacy and security will be compromised by this request. Please remove this requirement.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 97 Author: Rebecca Rosenberg</p>	<a href="#">0233</a>	<p>Inclusion of attorney date of birth. I strongly oppose the inclusion of the attorney's date of birth on the proposed revised G-28. This is intrusive and there is no reason that DHS would need this information. Additionally, having this information widely disseminated puts attorneys at greater risk of identity theft and age discrimination.</p> <p>Changes to form instructions. Where the current instructions say that a G-28 must be filed "in each case", the proposed instructions would require a G-28 "for each benefit request." Often, forms are bundled together—For instance, an I-485 might be filed with an I-912, I-765, I-131, etc., which all relate to the same underlying case. The instructions leave it</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p> <p>USCIS will be required to monitor if the paralegal who contacts us is the person authorized on the G-28. Validating more than one paralegal as authorized for all benefit request is overly burdensome to administer for this implementation.</p>

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		<p>unclear whether the attorney/representative is now required to file a separate G-28 for each component form. (In the example above, this would mean four G-28s.) If multiple G-28s are to be required, I strongly object, as (1) it would increase the paperwork and time burden for each case, and (2) it would be inconsistent with the prompt on Page 2, Part 4, item 1.B., which indicates that multiple form numbers can be entered.</p> <p>Length of form, time burden. The 2013 version of the G-28 was 3 pages long and had a public reporting burden of 20 minutes. The proposed form is 5 pages long and requires an estimated 57 minutes—and it is not even clear how many forms would have to be submitted per case. The continued paperwork bloat presents a real burden, and it is unacceptable.</p>	<p>Thus, we decline the suggestion to add more than one paralegal per G-28.</p> <p>A new G-28 is needed to remove the previous paralegal, and for the client to agree to allow USCIS to share information under the Privacy Act with the new paralegal.</p> <p>The relatively recent expansion in the length of the form is the result of requests by stakeholders or from concerns that have arisen in litigation. USCIS believes the questions on the form are all necessary and practical for the purposes of the form.</p>
<p>Comment #: 98 Author: Anonymous</p>	<p><a href="#">0234</a></p>	<p>There is no added benefit of requiring the practitioner to disclose the DOB when USCIS already has the bar license number for the practitioner. Rather, it can expose the practitioner to possible and very real identity theft.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>
<p>Comment #: 99 Author: TK Immigration Law</p>	<p><a href="#">0235</a></p>	<p>The new form requests Attorneys to put down information regarding their date of birth on the forms. How is this relevant to the representation? How is this acceptable? Clients will have the Attorney's private information since they always get a copy of the whole filing. Attorney's privacy and security will be compromised by this request. Please remove this requirement.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>
<p>Comment #: 100 Author: Richard Berman</p>	<p><a href="#">0236</a></p>	<p>Regarding the proposed changes to the Form G-28 I strongly disagree with the requirement that authorized agents and attorneys supply their date of birth on the form. This is an unwarranted and needless intrusion to our privacy. It could result in inappropriate use of our private information and it of course would make easier the gathering of our private information bit by bit.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>
<p>Comment #: 101 Author: Anonymous</p>	<p><a href="#">0237</a></p>	<p>The proposed change to USCIS form G-28 requires attorney representatives to also include their date of birth. There is no apparent reasonable basis to require more personally identifiable information than what is already provided on the form's current version. Attorneys are already required to provide a Bar Number, USCIS Account Volag Number (if applicable), mailing address, email address, and phone number. The inclusion of a date of birth only gives non-immigration officials more access to representatives' personal identity. This opens the door for more bad actors in the community to steal the identity of licensed legal representatives and cause more harm to vulnerable individuals that already have great difficulty obtaining competent legal representation. Furthermore, requiring an attorney's date of birth is not like the requirement of an applicant's date of</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>

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		<p>birth to be included on form G-28 because the attorney's uniquely assigned bar number is enough for the corresponding agency to identify the representative.</p>	
<p>Comment #: 102 Author: Anonymous</p>	<p><a href="#">0238</a></p>	<p>Agency: U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS) Document Type: Notice Title: Agency Information Collection Activities; Revision of a Currently Approved Collection: Notice of Entry of Appearance as Attorney or Accredited Representative Document ID: USCIS-2008-0037-0128</p> <p>Dear Chief Deshommes:</p> <p>In a much needed and welcome update, USCIS proposes to add to Form G-28, OMB No. 1615-0105, authorization for communication between paralegals and other law firm employees and USCIS. This will increase the efficiency of law firms in representing their clients and reduce costs for immigrants when it is necessary for a law firm to contact the agency on their behalf. Thank you for making this update as it has been needed for years.</p> <p>Unfortunately, the proposed Form G-28, OMB No. 1615-0105, also includes an unwelcome change that is not mentioned in the supplementary information: the lawyer's birth date. USCIS has provided no explanation for why it intends to suddenly require lawyers to provide this additional personally identifiable information. Any security-base reason for requesting this information could be satisfied by requiring lawyers to provide it when obtaining their USCIS Online Account Number. However, there is no legitimate basis to require this on paper submissions.</p> <p>Lawyers are required to share all filings with their clients, including Form G-28. By requiring a lawyer to include their date of birth (and, frankly, their middle name) on Form G-28, USCIS ensures that additional information is being shared with the lawyer's client. While an individual's zip code, race, gender, or date of birth is generally classified as non-sensitive personally identifiable information that is easily accessible from public sources, it is still additional information that can readily be used to impersonate a lawyer and commit identity theft.</p> <p>As a lawyer, I have had clients who were solicited by unlicensed practitioners of law to take over my cases and then had the unlicensed practitioner utilize my G-28 and change the noted address to their own. By including my date of birth on Form G-28, it will also enable those unlicensed practitioners to further impersonate me, including with financial institutions and government agencies. For identification purposes, my USCIS Online Account Number, Bar Number, Firm Phone Number, and Firm Address are sufficient to</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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		<p>identify me. It is unnecessary to provide third parties with additional personally identifiable information that could be used to commit identity theft in multiple forums.</p> <p>By requiring lawyers to provide their date of birth, USCIS is breaching the fundamental trust that exists between lawyers, as officers of the court, and the government. It is an unnecessary solipsistic request that will deter individuals from practicing immigration law. In comparison, other government agencies do not require lawyers to put their date of birth on representation forms -- for example, Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); FBI Attorney Release Form; and many others. Simply put, requiring lawyers to put their date of birth on Form G-28 is unnecessary overreach.</p> <p>I urge you to not include the "Date of Birth" for lawyers on Form G-28 for the above reasons and many others.</p> <p>Thank you,</p> <p>Anna M. Di Stasio, Esq.</p>	
<p>Comment #: 103 Author: Anonymous</p>	<p><a href="#">0239</a></p>	<p>Dear Chief Deshommes:</p> <p>In the proposed update of Form G-28, OMB No. 1615-0105, USCIS proposes to add authorization for communication between paralegals and other law firm employees and USCIS. This part of the proposed revision is a much needed and welcome change. It will increase the efficiency of law firms in representing their clients and reduce costs for immigrants when it is necessary for a law firm to contact the agency on their behalf. Thank you for making this update.</p> <p>Unfortunately, the proposed Form G-28, OMB No. 1615-0105, also includes an unwelcome and highly concerning change that is not mentioned in the supplementary information: the lawyer's birth date. USCIS provided no explanation for why it intends to suddenly require lawyers to provide this additional personally identifiable information. Any security-based reason for requesting this information could instead be satisfied by requiring lawyers to provide it when obtaining their USCIS Online Account Number. There is no legitimate basis to require this on each and every paper submission for numerous clients.</p> <p>Lawyers are required to share all filings with their clients, including Form G-28. By requiring a lawyer to include their date of birth (and, frankly, their middle name) on Form G-28, USCIS is forcing the exposure of this additional personal information to the lawyer's clients. While an individual's zip code, race, gender, or date of birth is generally</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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		<p>classified as non-sensitive personally identifiable information that is easily accessible from public sources, it is still additional information that can readily be used to impersonate a lawyer and/or commit identity theft.</p> <p>Even decades ago, I had concerns about others utilizing my G-28 and changing the noted address to their own. By including my date of birth on Form G-28, it will also enable others to further impersonate me, including with financial institutions and government agencies. For identification purposes, my USCIS Online Account Number, Bar Number, Firm Phone Number, and Firm Address are sufficient to identify me. It is unnecessary to provide third parties with additional personally identifiable information that could be used to commit identity theft in multiple forums.</p> <p>By requiring lawyers to provide their date of birth on a revised G-28 form, USCIS is breaching the fundamental trust that exists between lawyers, as officers of the court, and the government. This request creates an unnecessary risk to immigration lawyers. In comparison, other government agencies do not require lawyers to provide their date of birth on representation forms -- for example, Form EOIR-29 (DHS); Form SSA-1696 (Social Security); Forms 2848 and 8821 (IRS); FBI Attorney Release Form; and many others. Simply put, requiring lawyers to put their date of birth on Form G-28 is unnecessary overreach.</p> <p>I urge you to not include the "Date of Birth" for lawyers on Form G-28 for the above reasons and many others.</p> <p>Thank you,</p> <p>C. Wadhvani</p>	
<p>Comment #: 104 Author: Anonymous</p>	<p><a href="#">0240</a></p>	<p>I strongly disagree with the new requirement for the date of birth of the attorney or accredited representative. This is a massive invasion of privacy which could put us all at risk.</p> <p>This change should NOT be implemented in the new version of the Form G-28.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 105 Author: Danielle Rosche</p>	<p><a href="#">0242</a></p>	<p>Requesting attorneys submit their date of birth on the G-28 is a violation of privacy. Attorneys are licensed members of the bar who undergo extensive background checks to obtain their licensure. Adding the date of birth of the attorney serves no valid government purpose as the license number is already included on the form.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 106 Author: Erin Hall</p>	<p><a href="#">0244</a></p>	<p>I am an attorney. I send all of my clients copies of everything we file with USCIS, CBP, etc., including a copy of the G28 form. I am opposed to the G28 form requiring the date of birth of the attorney. There is no reason for the government to have an attorney's date of birth and I do not want my clients to have my date of birth. I believe this is an invasion of</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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		privacy which could also put attorneys at risk of fraud by providing full names and dates of birth to unknown people, or clients who may allow the forms to be accessed by others in their family or households who may not be trustworthy.	
Comment #: 107 Author: Emily Reber-Mariniello	<a href="#">0243</a>	Attorneys produce a bar card number, name, address, phone number, and email. That information is sufficient to confirm identity. A date of birth and other information is enough to steal the attorney's identity or imposter them by a government contractor and other government worker or by another through an improperly redacted FOIA request. Field offices have already stated in their policy that there is "no need" to scan an attorney's ID, so there should also be no need to have the details of that ID beyond what is already provided in the G-28. It is worth mentioning that government officials have used information they have access to steal identities and commit other bad acts. While this is, of course, not normal and very rare because securing the legitimacy of counsel with their bar card name, address, and phone number/email is unnecessary, there is no need to create additional risk. Moreover, clients do not need access to the age or date of birth of the attorney, and they are entitled to a copy of the G-28 and review it (so it cannot be redacted for the client) before signing the form. This could also prejudice individuals based on age and should be private information. I strongly oppose requesting a date of birth as an identifying fact on the G0-28 and submit that the exiting in formation is sufficient.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 108 Author: Shannon Underwood	<a href="#">0245</a>	I am an attorney. I send all my clients copies of everything we file with USCIS, CBP, etc., including a copy of the G28 form. I am opposed to the G28 form requiring the date of birth of the attorney. There is no reason for the government to have an attorney's date of birth and I do not want my clients to have my date of birth. I believe this is an invasion of privacy which could also put attorneys at risk of fraud by providing full names and dates of birth to unknown people, or clients who may allow the forms to be accessed by others in their family or households who may not be trustworthy.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 109 Author: George Moreno	<a href="#">0241</a>	I am opposed to adding attorney or paralegal date of birth on the form G-28. This is a serious security concern and I don't want my person information to be part of someone's A-File. While I understand that it is supposed to be redacted, there is still room for human error and government misuse.  I am sure there is a reasoning behind this proposal, but I am also sure the same can be achieved by other means or information.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 110 Author: Meena Pallipamu Immigration Law PLLC	<a href="#">0251</a>	I am an immigration attorney. There is no reason for your office to have my date of birthday. This is an invasion of my privacy. USCIS does not have any justifiable reason for this request.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.

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<p>Comment #: 111 Author: Anonymous</p>	<p><a href="#">0250</a></p>	<p>The G-28 form should NOT ask for the attorney's date of birth for the following reasons: (1) Privacy and Security: Date of birth is sensitive personal information. Requiring attorneys to provide their date of birth on the G-28 form could raise concerns about the privacy and security of this information. Attorneys may be hesitant to disclose their date of birth to USCIS, and USCIS must take measures to protect this sensitive data. (2) Professionalism: Date of birth is generally not relevant to the representation of a client in an immigration case. The G-28 form is primarily focused on providing information about the attorney or accredited representative's professional qualifications and contact details, such as their name, address, and contact information. (3) Efficient Processing: The primary purpose of the G-28 form is to establish the attorney-client relationship and ensure that USCIS communicates directly with the attorney or accredited representative. Collecting additional personal information, such as date of birth, does not significantly contribute to the efficient processing of immigration cases.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 112 Author: Rose Thompson</p>	<p><a href="#">0249</a></p>	<p>The proposed requirement of attorney providing their dates of birth is unnecessarily intrusive and invades privacy. One's date of birth has nothing to do with the practice of law. As an immigration attorney, I routinely submit hundreds of FOIA requests per year. Even if not disclosed through FOIA, I routinely see FOIA responses that are not redacted properly and contain private information that should not be disclosed. Please DO NOT require attorneys to provide their dates of birth.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 113 Author: Richard Jacobs</p>	<p><a href="#">0248</a></p>	<p>Please could you remove the field for the attorney/accredited representative date of birth in the proposed revised G-28 form? It is unrelated to the purpose of the form and is an invasion of privacy.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 114 Author: AILA</p>	<p><a href="#">0247</a></p>	<p>I strongly disagree with the attorney's date of birth addition. This is highly irrelevant when representing a client.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 115 Author: Kelsey Beckner</p>	<p><a href="#">0246</a></p>	<p>It is unacceptable for the Department of Homeland Security to require that attorneys provide their dates of birth on G-28 forms. This is personal information and is an invasion of privacy. We have to provide proof of ID at USCIS at interviews and we are monitored by the bars where we are admitted to practice law. Please remove this requirement because it is an invasion of the privacy of lawyers and it will deter attorneys from wanting to represent clients in immigration matters.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 116 Author: Davidson Kilpatric and Krislock</p>	<p><a href="#">0260</a></p>	<p>I take extremely serious exception to the requirement for the attorney's date of birth. It is irrelevant to any aspect of the case. It opens the door to potential identity theft. It compromises the attorney's status and relationship with the client. Many clients are from countries in which the life expectancy is 50 years old. They believe their parents are too old to live independently. No client would want an attorney they believe is too old to live independently. Date of birth is a very highly sensitive and personal piece of information to which the client has no right at all. However, the client is required to receive a copy of the</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>



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		G-28. Moreover, there is no reason for the government to have that very sensitive information on the document that is accessible by FOIA and directly accessible to anyone with access to the file. The government is easily capable of looking up the attorney's record based on the bar number. No other personal information should be available but through legal means that already exist such as a warrant.	
Comment #: 117 Author: Devin Theriot-Orr	<a href="#">0257</a>	<p>It is completely unacceptable to require attorney date of birth on Form G-28. Even assuming that USCIS's FOIA unit will redact this information when FOIA'd (which is a huge and likely incorrect assumption), this information will lead to identity theft. There is absolutely no basis to include this information on paper-based forms. Any security-based reason for having this could be accomplished by having attorneys submit their date of birth when registering for a USCIS online account. Requiring it on paper forms will be an unmitigated disaster and has absolutely no plus side.</p> <p>Please remember that all forms submitted by a lawyer must be provided to the client. Sometimes clients fire lawyers and hire unethical notarios. Armed with the G-28 and the lawyer's date of birth, notarios will be able to impersonate attorneys with financial institutions.</p> <p>Thank you for updating the G-28 as many of the other changes are welcome, but please do NOT require attorneys to include their date of birth, something no other federal agency requires for attorneys entering appearances.</p>	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 118 Author: Wendy Hernandez	<a href="#">0256</a>	<p>I cannot think of any good reason USCIS needs to have my birth date. And considering that clients sign G-28's this requirement exposes my birth date to all my clients. While they are wonderful people, I don't want this personal information sitting exposed in their homes or cars nor passed along to the attorneys or notarios who may be involved in their cases in the future. Stolen identity is real risk.</p> <p>Further, I am getting older and believe it could subject me to discrimination and used against me in competitor's marketing.</p> <p>PLEASE take the Attorney DOB off the G-28!</p> <p>Thank you. Wendy Hernandez Attorney WSBA 35054</p>	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 119 Author: Shaklee and Oliver, PS	<a href="#">0253</a>	<p>There is no compelling governmental interest in requiring legal representatives to provide their date of birth on form G-28. This seems like a solution in search of a problem, as it is doubtful that the absence of such a requirement in the past has caused any chronic problems. Many people do not like to disclose their date of birth to strangers unnecessarily, and it would enable age discrimination by any government officials who might harbor age-related prejudices. Of course, the government may request dates of birth</p>	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.

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		<p>when doing so is really necessary. This just does not seem to be a situation where this information should be requested across the board.</p>	
<p>Comment #: 120 Author: Kelsey Shamrell-Harrington</p>	<p><a href="#">0259</a></p>	<p>I am a practicing immigration attorney in Washington state, Bar # 55634.</p> <p>I think the addition of a space for a paralegal is very helpful, but I am deeply concerned about adding the attorney birthdate to the form.</p> <p>I believe that the collection of this information is unnecessary for the performance of the functions of the agency, and will not have practical utility. For one thing, merely the attorney name, jurisdiction and bar number is sufficient to unambiguously identify the attorney in question, and having the attorney contact information (as well as proposed paralegal contact information) enhances the ability of the agency to appropriately notify the attorney when action is taken on the case. Adding the birthdate of the attorney has no perceptible benefits, but significant drawbacks. For one, it means that the attorney's birthdate will become accessible to the client for no apparent reason. If a client submits a FOIA request, they will have access to this information; similarly, if they read the full form before signing it, as the attorney is obligated to encourage them to do, they will have access to this information. Even if there were no possibility of error in redacting said information in the event of a FOIA request, the addition of this unnecessary piece of information adds a significant administrative burden to those redacting these files, as there will likely be at least one G-28 in the file of every represented alien.</p> <p>Furthermore, I believe that adding this piece of unnecessary information constitutes an unnecessary burden on those who fill out such forms by lengthening the form when it is not required.</p> <p>Finally, I fear that adding this section could have a chilling effect both for clients in general, due to attorney fears, and particularly on those who would wish to add a G-28 for clients who may have a history of identity theft, making it more difficult for those clients to obtain representation.</p> <p>In short, I see no benefit to adding the information (itself sufficient reason to not include the question) and significant detriments to adding the information.</p> <p>Sincerely, Kelsey</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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<p>Comment #: 121 Author: Carlos Villarreal</p>	<p><a href="#">0258</a></p>	<p>While there are good and positive changes to this revised G-28, it is NOT relevant nor is it necessary to require the DOB of the Attorney/accredited rep. A valid bar number in the jurisdiction where the Attorney is required to keep updated in order to practice is sufficient. The requiring of a DOB from the attorney is an unneeded invasion of privacy. DO NOT proceed with the Attorney DOB requirement on the revised G-28.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 122 Author: Cameron Pardon</p>	<p><a href="#">0255</a></p>	<p>There is absolutely no reason for the attorney's date of birth to be required. This is invasive, and requests private information that has no real beneficial or realistic purpose for requesting this information.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 123 Author: Molly Masich</p>	<p><a href="#">0254</a></p>	<p>There is no reasonable reason to include attorney birth date information. If the intent is to include information that could help differential multiple attorneys with the same name, the attorney bar number - which is already included on the current edition of the G-28 - can be used to differentiate between the individuals. Not to mention that additional information that is already included on the G-28 could be used to verify whether there are two people with the same name. Namely: address, phone number, email address, name of law firm. There is just NO reasonable reason to include attorney date of birth information. Including attorney date of birth on form G-28 would be an undue invasion of privacy and a senseless collection of personal data.</p> <p>If for some preposterous reason the attorney date of birth field is added to the next edition of Form G-28, it should be optional only and not result in a defective G-28 if not completed. Furthermore, if attorney date of birth is added to Form G-28, it should be redacted IN EVERY SINGLE FOIA REQUEST, every time.</p> <p>The addition of attorney date of birth to Form G-28 is completely unnecessary because other data already included on the form can easily help distinguish between separate individuals with the same name, and therefore serves no purpose. What's next - requiring attorneys to divulge their Social Security Numbers?</p> <p>I cannot state enough how strongly I feel that attorney date of birth should not be included on this or any other USCIS form.</p> <p>Thank you for your consideration.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 124 Author: Anonymous</p>	<p><a href="#">0252</a></p>	<p>Revising the G-28 to now require the date of birth of the attorney or accredited representative is absolutely unnecessary and completely unjustifiable, not to mention an undeniable risk to attorney PII. That required field should be omitted from the G-28.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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<p>Comment #: 125 Author: Lisa Christoffersen</p>	<p><a href="#">0263</a></p>	<p>Attorney date of birth should be removed from updated G-28 for obvious privacy reasons.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 126 Author: Laura Enriquez</p>	<p><a href="#">0261</a></p>	<p>Requiring a date of birth for attorney's will lead to identification being stolen and a lawsuit against USCIS.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 127 Author: Roxana Yasin Avila Cimpeanu</p>	<p><a href="#">0262</a></p>	<p>USCIS should refrain from collecting attorney dates of birth from attorneys. The government has not stated a rationale for this invasion of privacy of attorney private information and opens up the door to identity theft and privacy breaches. There is absolutely no reason to collect this information when attorneys are already providing their bar number and jurisdiction of licensure as proof of identity and license to practice.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 128 Author: Jason Baumetz</p>	<p><a href="#">0264</a></p>	<p>I have been an immigration attorney for the past 20 years, and have submitted well over a thousand G-28s to USCIS during that time. I am also the Legal Program Director at the Alaska Immigration Justice Project, which currently has three other attorneys who regularly submit G-28s to USCIS. I write to comment on the proposed requirement that attorneys provide their birthdates on each G-28 that they submit. I oppose such a requirement. I cannot see any need for the requirement, nor can I see any legal basis for it - it seems to be ultra vires of the statute that gives anyone who appears in front of a government agency the right to be represented by an attorney at no cost to the government. I do not see anything in the statute that allows USCIS to collect personal identifying information from attorneys. Aside from lacking any apparent statutory authorization, it encourages identity theft. We are required to provide copies of the G-28s to our clients, and we have no control over what happens after that. With thousands of G-28, broadcasting one additional piece of PII will unnecessarily make identity theft that much more likely. In addition, numerous scammers impersonate attorneys in order to steal money from unsuspecting immigrants - if the scammers have our birthdates, that will make such scams easier to perpetuate and harder to detect. If the birthdate requirement is meant to enhance security and integrity in the process somehow, that has not been explained, and it will have the opposite effect. Currently, interviewing USCIS officers already check my bar card or ID if they are new to the office and are not familiar with me. Even that practice is overkill, but it is more than sufficient. In summary, requiring attorney birthdates will add nothing and will impair the integrity of the process and will endanger attorneys who submit G-28s.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 129 Author: Open Sky Law</p>	<p><a href="#">0265</a></p>	<p>Dear USCIS,  I am deeply concerned with the new proposal that attorneys will now have to list their date of birth on forms. If passed, hundreds of DHS employees and clients would have access to my date of birth, to which I am not comfortable sharing this information. For example, I</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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		<p>cannot control who my clients share my information with. This action seems unnecessary since my credentials can be verified with my bar license.</p> <p>The context of privacy of private information - whether PII or Personal Data (depending on the jurisdiction involved) has at its core the relevant and proportionate use of such information. The core legal protections are focused on ensuring appropriate use and proportionality is key - don't use a sledgehammer to kill a fly.</p> <p>If we compare to the European Union, no valid justification could be proffered for using attorney's private information (which could of course be easily manipulated for identity theft purposes) in this fashion.</p> <p>Indeed, there have been many landmark cases and findings against organizations, trade groups and member state governments for seeking or using an excessive amount of data for the disclosed purpose.</p> <p>Any purpose here, such as to verify the identity or credentials of the attorney in question, is fundamentally disproportionate to the potential harm and sensitivity of the information in hand. This is particularly when same could be established through less intrusive methods (e.g. with bar license as I mention above).</p> <p>Whilst the US continues to implement levels of privacy protection in an ad-hoc fashion, the momentum towards a federal privacy law continues and the core essence of protecting such private information and ensuring data minimization and relevant purpose for the use of such data are core to the tenets of such proposals and state-by-state laws as well.</p> <p>We are the United States, let us lead in rights and data protection, and not lag behind our allies. I urge you to stop this change that could put many attorneys at personal risk, and may well result in re-work to revert the change as our privacy laws continue to strengthen.</p>	
<p>Comment #: 130 Author: Anonymous</p>	<p><a href="#">0266</a></p>	<p>There is NO need for attorneys to submit their date of birth. Please remove this and do not subject more people to possible identity theft!</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 131 Author: Anonymous</p>	<p><a href="#">0267</a></p>	<p>An attorney only should be held responsible under a G-28. Paralegals are not formally regulated, tend to have shorter tenure in immigration practices, and may or may not have levels of training and professional gravitas to properly understand and carry out any responsibility under a G-28. And that they could do it under an attorney's bar license and implicate the attorney is a huge disservice to the legal profession.</p>	<p>An attorney is responsible for the actions of a designated paralegal acting on their behalf.</p>

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<p>Comment #: 132 Author: Anonymous</p>	<p><a href="#">0269</a></p>	<p>Needing an attorney's date of birth is overly invasive. USCIS should not gather this personally identifiable information unnecessarily. There must be a less invasive way to accomplish whatever your goal is in including this field on the form.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 133 Author: Carson Osberg</p>	<p><a href="#">0268</a></p>	<p>I am an attorney and have practiced immigration law or advised on immigration law matters for approximately ten years. I am writing in response to DHS Docket ID USCIS–2008–0037, OMB Control Number 1615–0105, Agency Information Collection Activities; Revision of a Currently Approved Collection: Notice of Entry of Appearance as Attorney or Accredited Representative. Specifically, I wish to address the proposed addition of the attorney or accredited representative's (hereinafter referred to as "legal representative") date of birth to Form G-28, though the substance of OMB Control Number 1615–0105 and the supporting documents do not address this proposed change.</p> <p>First, the agency has not provided a rationale or purpose for including the legal representative's date of birth on the G-28. This is a significant change and therefore should not be made without providing a rationale for the change or an opportunity for the public to comment.</p> <p>Second, the proposed collection of information—specifically the collection of legal representatives' dates of birth—is not necessary for the proper performance of the agency. The agency already collects the legal representative's full name, firm or organization name, state(s) of licensure, and bar number(s), where applicable. Attorney licensure is easily verifiable via the relevant state bar website(s), and accredited representatives current accreditation status may be looked up on the Department of Justice's website. The legal representative's date of birth is not necessary to verify that they are authorized to practice law and, especially without more information from the agency as to the rationale behind this proposed change, serves no ascertainable legitimate purpose. I am aware of no regulation that requires legal representatives to provide such information in order to enter an appearance before DHS.</p> <p>Third, and importantly, dates of birth are personal identifiable information (PII) that clients, adjudicators, and other individuals do not need and should not have access to. Requiring legal representatives to share such PII vastly increases the chances of exposure and misuse, including identity theft. Professional ethics requires legal representatives to provide copies of filings to their clients, and copies can also be obtained through FOIA, where redactions are imperfect. Requiring disclosure of a legal representative's date of birth is a significant privacy issue and must be carefully reconsidered by the agency.</p> <p>I strongly urge DHS to remove the legal representative's date of birth from any future Form G-28 version as it is an unnecessary invasion of privacy, does not further a</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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		legitimate goal or aid in processing benefits requests, and is a change that has not been explained by the agency. Thank you.	
Comment #: 134 Author: Laura D.	<a href="#">0270</a>	Obtaining an attorney’s date of birth is unnecessary to accomplish the form’s intended purpose (i.e. to allow DHS to determine eligibility of the individual to appear as a representative). Requiring attorneys to provide their date of birth is an impermissible overreach and exposes attorneys to ID theft.	USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.
Comment #: 135 Author: Alexander Da Via	<a href="#">0271</a>	<p>I am writing to strongly object to the required submission of the attorney’s date of birth on the proposed Form G-28. In its Federal Register Notice, USCIS neither provided a single reason as to why it wishes to collect this information, nor did it explain what purpose the collection of this information would potentially serve. Such information is wholly irrelevant to the attorney’s representation of a client. The attorney’s date of birth does not verify his or her professional credentials, which are already verified by the state bar admission number and highest court(s) of admission. The inclusion of the attorney’s date of birth on the Form G-28 necessarily extends to the disclosure of this personal information to clients, former clients, other attorneys, “notarios” (or others unlawfully practicing immigration law), or anyone submitting a FOIA request, thus exposing the attorney to identity theft or impersonation. This violates the attorney’s personal privacy, creates a chilling effect, and is perhaps an intimidation tactic against attorneys on the part of the Department of Homeland Security.</p> <p>USCIS’s failure to even mention the unprecedented addition of the attorney’s date of birth to the Form G-28 in the Federal Register Notice suggests bad faith. The closest potential reference thereto is in item 4 of the section titled “Overview of This Information Collected,” which states in pertinent part: “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. Form G-28 is used by attorneys admitted to practice in the United States [...]” The date of birth of an attorney already admitted to the practice of law by a state bar has no bearing on his or her eligibility to practice law or to represent a client. If USCIS indeed seeks to use an attorney’s date of birth to determine his or her eligibility to practice law, are we to conclude that USCIS plans to engage in age discrimination?</p>	USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.
Comment #: 136 Author: Diana Moller	<a href="#">0273</a>	<p>From <u>Attachment</u></p> <p>Dear Chief Deshommes:</p> <p>I have practiced immigration law exclusively for over 20 years. I remember the concise 1-page G-28, the 2-page I-130 and the nicely tidy 4-page I-485. I note that the newly proposed G-28 will be FIVE pages, solely to enter an appearance in a client’s matter. As USCIS form bloat increases, I imagine the Paperwork Reduction Act rolling in its grave.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p> <p>The State Department is a different cabinet agency from DHS. Form G-28 is a DHS form, and DHS</p>



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	<p>Add DOS as Listed Agency</p> <p>Although this is not in proposed current changes, I think the Department of State should be one of the agencies listed on the form. Underneath the chosen agency, the form asks attorneys to identify which forms they are representing the person named in the G-28 for. I have always written “All immigration matters” because my representation may change during a case, I may file additional forms. I don’t want more trouble than usual trying to get help from USCIS customer service because I didn’t include a particular form on the original G-28. I suggest you remove the ‘forms’ box beneath each agency name and include one box under all the named agencies for “Limitations on Representation?”</p> <p>Add Paralegals to G-28</p> <p>My second comment is regarding the addition of a paralegal to the G-28. I would prefer that this option include “legal assistants.” Many immigration attorneys in small/solo firms may not have a paralegal but do have a legal assistant. Otherwise, I agree with the proposed change. There must also be a means to withdraw paralegals</p> <p>If paralegals are added, USCIS must provide a means for the attorney to withdraw them.</p> <p>Do Not Include Attorney’s Date of Birth</p> <p>My third and most strenuous comment is that USCIS must not include the attorney’s date of birth on the G-28. There is no stated rationale or discussion whatsoever given for this proposed change. I suspect that is because there is no legitimate reason for it.</p> <p>This proposal is extremely objectionable for numerous reasons. First, asking attorneys to include our personally identifiable information is an invasion of our privacy.</p> <p>As an attorney, I must send my clients copies of all documents I submit on their behalf. A copy of the G-28 document could end up in the hands of someone who wants to steal my identity, open bank accounts in my or my law firm’s name or use it for other improper purposes. I am also concerned that agency personnel might use my date of birth for nefarious purposes.</p> <p>The danger of identity theft by federal agency employees is not hypothetical. There have been many such cases, two of which were local to me. One involved Rafael Sanchez, former Chief Counsel for the Seattle Office of Principal Legal Advisor (OPLA) in 2018. The other involved an OPLA trial attorney, Jonathan Love, in 2016. Both went to federal prison.</p> <p>My date of birth would remain in a client’s A-file where it could be disclosed to agency employees, other attorneys or notarios via a FOIA request, Immigration Judges and OPLA/OIL attorneys, none of whom need to know an attorney’s date of birth. Hackers can access government databases. There is a very real potential for this private information to be disseminated widely and without the attorney’s consent or control, increasing the risk of harm.</p>	<p>has no authority to govern DOS. This suggestion should be presented to DOS.</p> <p>The relatively recent expansion in the length of the form is the result of requests by stakeholders or from concerns that have arisen in litigation. USCIS believes the questions on the form are all necessary and practical for the purposes of the form.</p> <p>There is no consistent definition of paralegal, but paralegal is a term that is generally understood to be an employee with more skill and experience than an “employee or volunteer.” Otherwise, the employee named could be a temporary employee, or a summer employee, for example, who does not understand the limitations. USCIS will not require evidence or validation of the named paralegal’s education or qualifications, but our intent is to encourage the attorney to designate someone of reasonable skill, understanding, and training.</p> <p>USCIS declines to make any changes to Part 4. Item Number 1.B. List the form numbers or specific matter in which appearance is entered.</p>
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		<p>Attorneys are required to provide the State Bar of admission and Bar numbers on the G-28. After 3 years of law school, a Bar exam and over 28 years of practice, my name and Bar admission have been well-vetted. Requiring that I or any attorney include our dates of birth in addition to the details of our licensure serves no valid government purpose. Second, requiring attorneys to provide their date of birth could subject us to age discrimination. If we have been admitted to practice by any State Bar, it is sufficient to know that we are over the age of 18.</p> <p>Third, the fact that attorney date of birth was added to the G-28 without any rationale makes me wonder if it is an attempt to intimidate the Immigration Bar or deter individual immigration attorneys from practicing. Any such effort is unacceptable.</p> <p>Fourth, in making changes to the G-28, the agency must “evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.” This is your regulatory obligation.</p> <p>Once an attorney has provided the required information regarding their Bar admission and licensure, I see no legitimate reason how an attorney’s date of birth would be necessary for the proper performance of the agency functions. I cannot fathom how obtaining attorneys’ dates of birth would have any practical utility.</p> <p>To my knowledge, no other government agency requires attorneys to put their dates of birth on representation forms. Neither the Form EOIR-28 (DOJ/DHS); Form SSA-1696 (SSA); Forms 2848 &amp; 8821 (IRS); FBI Attorney Release Form; or many others require an attorney’s date of birth. This proposed change has no legitimate governmental purpose.</p> <p>Respectfully, Diana E. Moller Moller Immigration Law, PLLC</p>	
<p>Comment #: 137 Author: Diana E Moller</p>	<p><a href="#">0272</a></p>	<p>Repeat comment from above.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>
<p>Comment #: 138 Author: Legal Aid Justice Center</p>	<p><a href="#">0274</a></p>	<p>COMMENT SUPPORTING ADDITIONAL REVISIONS: Notice of Entry of Appearance as Attorney or Accredited Representative – DHS, USCIS Docket ID USCIS–2023-15890; OMB Control Number 1615–0105; Document Citation 88 FR 48489, pages 48489-48490</p> <p>The Legal Aid Justice Center (LAJC) appreciates the opportunity to provide the following comments in response to the Notice regarding revisions to Form G-28 and its accompanying instructions published on July 27, 2023. For the reasons detailed in the comments that follow, LAJC advocates for removing the client signature requirement on form G-28. The attached comment does not opine on any of the other specific form changes proposed by USCIS.</p>	<p>Client signatures are required to indicate that the client is allowing USCIS to communicate with their representative. However, while the signature must be handwritten, the form instructions for Form G-28 provide that the signature submitted to USCIS does not need to be the original signed G-28 but can be a photocopied, scanned, or faxed copy of the original signed G-28 containing the handwritten, ink signature.</p>

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	<p>The LAJC has been providing legal representation for low-income individuals in Virginia since 1967. Our mission is to seek equal justice for all by direct representation, community organizing, and large-scale systemic advocacy. LAJC’s Immigrant Justice Program supports low-income immigrants in their efforts to fight for justice and fair treatment. In addition to representing clients with individual legal issues, we promote systemic reforms to eliminate the abuse and exploitation of immigrants and advocate for state and local policies that promote access to resources and eliminate aggressive immigration enforcement.</p> <p>Thank you for your time and careful consideration of the comment below.</p> <p>From <u>Attachment</u>:</p> <p>COMMENT SUPPORTING ADDITIONAL REVISIONS: Notice of Entry of Appearance as Attorney or Accredited Representative – DHS, USCIS Docket ID USCIS–2023-15890; OMB Control Number 1615–0105; Document Citation 88 FR 48489, pages 48489-48490</p> <p>I. The Legal Aid Justice Center (LAJC) Has Specialized Knowledge of the Legal Needs of the Immigrant Community</p> <p>The LAJC is a non-profit that has been providing legal representation for low-income individuals in Virginia since 1967. Our mission involves dismantling systems that create and perpetuate poverty. LAJC’s Immigrant Justice Program supports immigrants in their fight for justice and fair treatment. In addition to representing clients with individual legal issues, we promote systemic reforms to eliminate the abuse and exploitation of immigrants. LAJC also advocates for policies that promote access to resources, eliminate aggressive immigration enforcement, and increase access to legal representation.</p> <p>II. DHS Should Remove the Client-Signature Requirement from the G-28</p> <p>We advocate for the removal of the client-signature requirement for the G-28. Removing the client-signature requirement helps to mitigate barriers to counsel for immigrants. The removal of the requirement is also consistent with existing policy among immigration agencies.</p> <p>A. Removal of the client-signature requirement increases immigrants’ access to counsel</p> <p>In LAJC’s experience, detained immigrants and immigrants living in rural areas face severe barriers in obtaining counsel and moving their immigration cases forward. The client-signature requirement is one of these barriers.</p> <p>In our representation of detained clients, our attorneys have experienced difficulty consulting with a detained client by phone or in-person for the first time without a G-28.1</p> <p>While DHS says on its website that “[a] DHS Form G-28 is not required for legal representatives representing detained noncitizens . . . for pre-representational meetings,” this has not been our experience in practice. ICE admitted itself that the agency does not</p>	
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	<p>track the number of facilities that do not meet certain standards for attorney-client communications.<sup>2</sup></p> <p>The arbitrary application of the G-28 client-signature requirement contributes to the lack of access to counsel for detained individuals: “Only 14 percent of detained immigrants acquired legal counsel [during the six-year period from 2007 to 2012].”<sup>3</sup> And as is well established, detained individuals who are represented by counsel are over ten times more likely to win their immigration cases than those without an attorney.<sup>4</sup></p> <p>Eliminating the client-signature requirement would help increase access to counsel for our detained clients, even if only marginally. We advocate for this change.</p> <p>Removing the client-signature requirement will also significantly benefit our clients living farther away from our offices. Many of our clients live in rural parts of the state or do not have access to reliable transportation.<sup>5</sup></p> <p>Even in Northern Virginia—one of the more populated and service-dense areas of the state—many immigrants live in areas that require more than a 30- minute round trip to access any agency that serves immigrants.<sup>6</sup></p> <p>And the problem is worse in more rural areas of Virginia: there are “areas in Lunenburg and Prince Edward Counties, as well as Danville City that lie outside of an hour round trip coverage area and have more than 10% of their population is foreign born.”<sup>7</sup> These estimates assume the client has access to reliable transportation—which is not the case for many immigrant community members.<sup>8</sup></p> <p>Requiring a wet signature adds an unnecessary step to already long and arduous immigration processes with USCIS.</p> <p>Removing the client-signature requirement would expedite certain immigration processes and increase access to counsel. This is especially true for detained immigrants and immigrants living in rural areas.</p> <p>B. Removing the client-signature requirement unifies policy across immigration agencies</p> <p>Eliminating the client-signature requirement creates consistent policy across immigration agencies. ICE and ICE contractors at times have accepted G-28 Forms without requiring the detained individual’s signature.<sup>9</sup></p> <p>The Executive Office for Immigration Review does not require the signature of the noncitizen for Form E-28, Notice of Entry.<sup>10</sup> Neither does the Board of Immigration Appeals in its E-27, Notice of Entry of Appearance.<sup>11</sup> During the pandemic, for forms requiring an original “wet” signature, USCIS accepted electronically reproduced original signatures.<sup>12</sup> We ask USICS to align its signature requirements with those of other immigration agencies.</p> <p>III. The proposed revisions increase immigrants’ access to ethical legal counsel</p> <p>Client rights and necessary protections against unscrupulous attorneys and notarios are a primary concern for our organization. LAJC provides sample revisions to form G-28 and its instructions below that will provide additional protections for clients when the client-</p>	
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		<p>signature requirement is removed. LAJC suggests additional revisions, to accompany the elimination of the client signature requirement. Notes are in italics.</p> <p>IV. Conclusion No longer requiring a client signature on Form G-28 helps reduce barriers to legal representation for immigrants appearing before USCIS. Removing the client-signature requirement is consistent with current and past practices of immigration agencies, including USCIS itself. Other protections can and should be implemented to prevent immigration scams, fraud, and attorney misconduct. Therefore, we ask DHS to remove the client-signature requirement and to consider the changes above.</p>	
<p>Comment #: 139 Author: Law Offices of Jesus Martinez</p>	<p><a href="#">0287</a></p>	<p>Duplicate Comment Submitted by Law Offices of Jesus Martinez As an attorney, I don't want my date of birth listed on my client's documentation. First, there is no need for my clients to know when my date of birth is. If USCIS wants to verify the identity of an attorney, they can do an online search with the bar number. Secondly, not even the state bar or the state courts, publicize on forms or online, the date of birth of an attorney.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>
<p>Comment #: 140 Author: Pacific Northwest Cross Border Law, PLLC</p>	<p><a href="#">0276</a></p>	<p>USCIS seeks to collect each attorneys' date of birth for each immigration benefit request that he or she files, but cites no legal or practical reason for collecting this data.</p> <p>The purpose of a Privacy Impact Assessment (PIA) is "to ensure sufficient protections for the privacy of personal information." An agency must conduct a privacy impact assessment before "initiating a new collection of information that will be collected, maintained, or disseminated using information technology." (E-Government Act of 2002, Sec. 208, available at: <a href="https://www.congress.gov/107/plaws/publ347/PLAW-107publ347.pdf">https://www.congress.gov/107/plaws/publ347/PLAW-107publ347.pdf</a>).</p> <p>A-files are maintained electronically and shared with other agencies, including CBP, DOS, ICE, FBI, SEC, DOJ, Border Patrol, and National Archives. As the G-28 did not require attorneys' birthdate before, it is a new collection of information. Since this new information will be collected, maintained, and disseminated to other agencies, USCIS is required to conduct a PIA prior to collecting this information.</p> <p>Even if USCIS has already conducted a PIA, the comments submitted here show that USCIS should undertake further assessment of the privacy impacts of collecting it. As of September 21, 2023 not one single comment supported collecting attorneys' birthdates.</p> <p>If USCIS has not yet conducted a PIA, then it must complete one before collecting attorneys' birthdates. Concerns with USCIS collecting attorneys' birthdates include:</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p>

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		<ul style="list-style-type: none"> <li>•Vulnerability to fraud and identity theft from within USCIS and other agencies. Within the past 6 years a DHS employee has been convicted of fraud and identity theft. In 2018 Former Chief Counsel Raphael A. Sanchez of the U.S. Immigration and Customs Enforcement’s (ICE) Office of Principal Legal Advisor (OPLA) was sentenced to 48 months in prison for a wire fraud and aggravated identity theft scheme. According to the DOJ (see <a href="https://www.justice.gov/opa/pr/former-ice-chief-counsel-sentenced-four-years-prison-wire-fraud-and-aggravated-identity-theft">https://www.justice.gov/opa/pr/former-ice-chief-counsel-sentenced-four-years-prison-wire-fraud-and-aggravated-identity-theft</a>): Sanchez made charges or drew payments totaling more than \$190,000 in the names of aliens to himself or entities that he controlled, often using PayPal and mobile point-of-sale devices from Amazon, Square, Venmo and Coin to process the fraudulent transactions. In a number of cases, Sanchez purchased goods online in the names of aliens and had them shipped to his residence. Sanchez also employed credit-monitoring services and corresponded with credit bureaus in the names of aliens to conceal his fraud scheme. Sanchez also claimed three aliens as relative dependents on his tax returns for 2014, 2015, and 2016.</li> <li>•Vulnerability to fraud and identity theft through agency information sharing.</li> <li>•Vulnerability to fraud and identity theft via public disclosure during litigation.</li> <li>•Vulnerability to fraud and identity theft through failure to redact in response to FOIA requests.</li> <li>•Vulnerability to fraud and identity theft caused by cyberattacks from foreign adversaries.</li> </ul> <p>USCIS should include and address the comments to its proposal to collect attorneys’ birth dates as part of its privacy act assessment. Additionally, USCIS’s PIA should be made public so that the people being asked for their birthdates can further comment on the reasons for collecting this information, and privacy safeguards.</p>	
<p>Comment #: 141 Author: International Refugee Assistance Project</p>	<p><a href="#">0275</a></p>	<p>DHS’ Continued Imposition of a Physical Signature Requirement is a Needless Impediment to Access to Counsel</p> <p>We ask DHS to formally eliminate the requirement of a physical signature (i.e. a wet signature or its reproduction) on the Form G-28 for detained applicants and all those applicants seeking to enter an appearance of counsel before DHS in its updated instructions. USCIS Asylum Offices currently require at least images of physical signatures for detained and other applicants, which creates an impossible barrier to legal representation for credible fear interviews (CFIs) as well as other immigration matters before the agency. This physical signature requirement compounds the existing access to</p>	<p>Client signatures are required to indicate that the client is allowing USCIS to communicate with their representative. However, while the signature must be handwritten, the form instructions for Form G-28 provide that the signature submitted to USCIS does not need to be the original signed G-28 but can be a photocopied, scanned, or faxed copy of the original signed G-28 with the handwritten, ink signature.</p>

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	<p>counsel barriers found in the current policies of expedited timelines and detention of individuals in U.S. Customs and Border Protection (CBP) custody.</p> <p>From <u>attachment</u>:</p> <p>Dear Chief Deshommes:</p> <p>The International Refugee Assistance Project (IRAP) submits this comment regarding USCIS’ proposed revision of form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, OMB Control No. 1615-0105, Docket No: USCIS 2008-0037, Document No. 2023-15890, 88 FR 48489, published in the Federal Register on July 27, 2023.</p> <p>IRAP and Its Interest in the Issue</p> <p>IRAP provides comprehensive legal services to refugees and displaced persons. Since our establishment, we have provided legal assistance to thousands of displaced persons seeking legal pathways from conflict zones to safe countries. IRAP’s goal is to ensure that available services and legal protections go to those who are most in need. Our clients include LGBTI individuals, religious minorities subject to targeted violence, survivors of sexual and gender-based violence, children with medical emergencies for which local treatment is not available, and interpreters being targeted by the Islamic State, militias, and the Taliban in retaliation for their work with the United States and NATO.</p> <p>IRAP operates primarily through a remote legal services model. The vast majority of our clients are currently outside the United States, many of them in precarious situations and in situations involving the deprivation of liberty and freedom of movement akin to the detention context. IRAP has benefited greatly from updated USCIS rules allowing a more flexible approach to signature requirements on the Form G-28 and certain other forms, subject to certain restrictions, and believes extension of this policy to the detained context could similarly expand access to counsel.</p> <p>DHS’ Continued Imposition of a Physical Signature Requirement is a Needless Impediment to Access to Counsel</p> <p>We ask DHS to formally eliminate the requirement of a physical signature (i.e. a wet signature or its reproduction) on the Form G-28 for detained applicants and all those applicants seeking to enter an appearance of counsel before DHS in its updated instructions. USCIS Asylum Offices currently require at least images of physical signatures for detained and other applicants, which creates an impossible barrier to legal representation for credible fear interviews (CFIs) as well as other immigration matters before the agency. This physical signature requirement compounds the existing access to counsel barriers found in the current policies of expedited timelines and detention of individuals in U.S. Customs and Border</p>	
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		<p>Protection (CBP) custody.</p> <p>To support its signature requirement, USCIS has relied upon the confidentiality protections embedded in 8 C.F.R. 208.6. However, Immigration Customs and Enforcement (ICE) has historically accepted, and continues to this day to accept, the Form G-28 without requiring the detained individual’s signature. We are unaware of any confidentiality concerns arising from ICE’s experience. In other contexts as well, ICE has eliminated the requirement for a physical signature altogether. For example, earlier this week ICE announced that it would accept electronic signatures produced by software programs or applications on Form I-983, Training Plan for STEM OPT Students.</p> <p>Furthermore, the Department of Justice’s Executive Office for Immigration Review (EOIR) does not require the signature of the noncitizen to recognize counsel as an asylum seeker’s attorney of record when accepting the Form E-28, Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court. This position is justified because attorneys are bound by strict ethical guidelines that prohibit abusive conduct and disclosure of confidential client information. Because the Form G-28 is limited to attorneys, accredited representatives, and law students and graduates operating under attorney supervision, the same strict ethical guidelines adhere, rendering the physical signature requirement unnecessary and unduly burdensome.</p> <p>DHS should revise the Form G-28 to parallel the EOIR Form E-28 and not require an applicant’s physical signature. At the very least, the agency should update the form instructions to permit electronic signatures without requiring the maintenance of an original copy of the wet signature to render the form permissible.</p>	
<p>Comment #: 142 Author: Florence Immigrant &amp; Refugee Rights Project</p>	<p><a href="#">0279</a></p>	<p>From <u>attachment</u>:</p> <p>PHOENIX OFFICE P.O. Box 32670 Phoenix, AZ 85064 Tel: 602-307-1008 Fax: 602-340-0596 TUCSON OFFICE P.O. Box 86299 Tucson, AZ 85754 Tel: 520-777-5600 Fax: 520-829-4154 <a href="http://www.firrp.org">www.firrp.org</a> September 25, 2023 Submitted via: <a href="https://www.regulations.gov">https://www.regulations.gov</a>. Attn: Sharon Hageman</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p> <p>Client signatures are required to indicate that the client is allowing USCIS to communicate with their representative. However, while the signature must be handwritten, the form instructions for Form G-28 provide that the signature submitted to USCIS does not need to be the original signed G-28 but can be a photocopied, scanned, or faxed copy of the original signed G-28 with the handwritten, ink signature.</p>

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	<p>Deputy Assistant Director Office of Regulatory Affairs and Policy U.S. Department of Homeland Security 245 Murray Lane, SW Mail Stop 0485 Washington, DC 20528-0485 Re: Comment on Proposed Revision of a Currently Approved Collection: Notice of Entry of Appearance as Attorney or Accredited Representative 88 FR 48489; OMB Control Number 1615-0105 Dear Deputy Assistant Director Sharon Hageman: The Florence Immigrant &amp; Refugee Rights Project (Florence Project) respectfully submits this comment in response to the Department of Homeland Security (DHS)'s U.S. Citizenship and Immigration Service (USCIS)'s proposed revisions to Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. First, we strongly urge DHS to retract the proposed collection of attorney's and accredited representative's dates of birth, as it is a wholly unnecessary and unjustified violation of privacy that will likely have harmful consequences. Second, we urge USCIS to take this opportunity to allow appearances before the Asylum Office without requiring wet-ink signatures from detained asylum seekers which is a necessary step to decrease barriers to access to counsel in detained settings.</p> <p>A. The Florence Project Is Well-Positioned to Offer Meaningful Feedback About These Proposed Changes.</p> <p>The Florence Project is a 501(c)(3) non-profit organization that provides free legal and social services to the thousands of adults and children detained in immigration custody in Arizona on any given day. As the only 501(c)(3) non-profit organization in Arizona dedicated to providing free legal and social services to people in immigration detention, our vision is to ensure that every person facing removal proceedings has access to counsel, understands their rights under the law, and is treated fairly and humanely. The Florence Project was founded in 1989 to provide free legal services to asylum seekers and other migrants in a remote immigration detention center in Florence, Arizona where people had no meaningful access to counsel. We have expanded significantly since that time and now provide free legal and social services to thousands of detained adults and unaccompanied children throughout Arizona. Additionally, in 2017, the Florence Project partnered with the Kino Border Initiative ("KBI"), a binational organization, to provide legal services to asylum seekers at the U.S.-Mexico border. Through this partnership, the Florence Project's Border Action Team now provides regular group and individual legal orientations and representation to asylum seekers in Heroica Nogales, Sonora, Mexico just across the border from Nogales, Arizona.</p> <p>The Florence Project is recognized and registered with the Department of Justice (DOJ)'s Recognition and Accreditation (R&amp;A) Program. I Florence Project attorneys and DOJ</p>	
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	<p>accredited representative regularly enter appearances (“Form G-28” or “Appearance” or “Appearances”) with the USCIS, including several of its Asylum Offices. In 2021, our legal staff provided legal representation to 490 children and 249 adults facing removal in Arizona. In addition, the Florence Project provided legal case assistance over 4,000 times and provided over 8,600 legal educational packets to adults detained in Arizona. Our Border Action Team provided legal orientations to 2,600 people passing through KBI’s humanitarian aid center in Heroica Nogales, Mexico; these services directly impacted 4,200 people when considering the accompanying family members. Finally, in 2021, our Social Services Team provided lifesaving social services to 628 people.</p> <p>B. Gathering a Legal Representative’s Date of Birth is Overly Invasive, Not Justified, and a Waste of Government Resources.</p> <p>USCIS has provided no justification for why an attorney or accredited representative must now provide a date of birth on its proposed version of the G-28. The requirement contravenes longstanding USCIS precedent by forcing advocates to provide sensitive and unnecessary personally identifying information. Legal representatives now face heightened risks to personal safety and security if USCIS requires a date of birth on Form G-28.</p> <p>First, no precedent exists to require a legal representative to share personally sensitive information on and entry of appearance form. The requirement is also cumulative and unnecessary to determine whether a legal representative has authorization to file a G-28. For example, attorneys must provide their licensing jurisdictions and bar number information to USCIS. Most state bars make licensing information publicly available, creating no barrier for the agency to confirm an attorney’s licensure. Accredited Representatives also have government authorization to represent individuals that is accessible to USCIS. It is important to note that state bars do not publish attorneys’ dates of birth on public databases, rendering it irrelevant to determine licensure. The structure of the EOIR-27 and EOIR-28 further illustrates that a date of birth is unnecessary to verify a legal representative’s credentials. These forms, submitted to the Immigration Courts and Board of Immigration Appeals, only require the legal representative’s licensing jurisdiction, state bar number, and an “EOIR ID,” an authorization that EOIR provides upon the attorney or accredited representative registering to appear before the agency. Therefore, there is no precedent either from USCIS or similarly situated agencies for legal representatives to put their dates of birth on a legal form to enter their appearance for a non-citizen. The requirement is also arbitrary because USCIS has not provided a justification for why a date of birth is necessary. The inconsistency is even found in the proposed form. For example, the legal representative must disclose a date of birth, but a paralegal or law graduate filing the form does not have to provide identifying information.</p> <p>1 DEPT. OF JUSTICE, RECOGNIZED ORGANIZATIONS AND ACCREDITED REPRESENTATIVES ROSTER, <a href="https://www.justice.gov/eoir/page/file/942301/download">https://www.justice.gov/eoir/page/file/942301/download</a> (2023).</p>	
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	<p>The date of birth requirement is unnecessary to verify a legal representative’s credentials but is highly detrimental to the legal representative. The new form G-28 will pass through many agency hands, whether at USCIS, ICE, or CBP, exposing the advocate’s personal information to a number of actors. Moreover, the legal representative must provide a copy of the G-28 to the client. This means that anyone could have access to sensitive information about the advocate, since there is no guarantee that the legal documents will be secured. Finally, the exposure of the sensitive information to many people opens the attorney up to identity theft and other security breaches (i.e. finding the representative’s personal address or opening accounts in the attorney’s name).</p> <p>Adding legal representative’s dates of birth to the G-28 unnecessarily puts sensitive data at risk of data breaches. Examples abound where the Department of Homeland Security (DHS) has failed to properly handle sensitive data. A few examples demonstrate the agency’s difficulties protecting sensitive data, including the data of its own employees:</p> <ul style="list-style-type: none"><li>• In 2019, “U.S. Customs and Border Protection (CBP) did not adequately safeguard sensitive data on an unencrypted device used during its facial recognition technology pilot (known as the Vehicle Face System). A subcontractor working on this effort, Perceptics, LLC, transferred copies of CBP’s biometric data, such as traveler images, to its own company network. The subcontractor obtained access to this data without CBP’s authorization or knowledge, and compromised approximately 184,000 traveler images from CBP’s facial recognition pilot. Later in 2019, the Department of Homeland Security experienced a major privacy incident, as the subcontractor’s network was subjected to a malicious cyber attack”<sup>2</sup></li><li>• “On November 28, 2022, while performing routine updates, a document was erroneously posted to ICE.gov for approximately five hours that included names and other personally identifiable information, along with immigration information, of approximately 6,000 noncitizens in ICE custody.”<sup>3</sup></li><li>• “A data breach at the Department of Homeland Security exposed the personally identifiable information on more than 240,000 current and former DHS employees, the department said Wednesday.”<sup>4</sup></li></ul> <p>The violation of the legal representative’s privacy could create a chilling effect on legal representatives agreeing to represent individuals in front of ICE, CBP, and USCIS. This is detrimental to the public interest, given access to counsel in immigration matters is desperately needed. We need fewer barriers – not more – for non-citizens to find access to legal services. <sup>2</sup></p> <p>OFFICE OF THE INSPECTOR GENERAL, Review of CBP's Major Cybersecurity Incident During a 2019 Biometric Pilot, Report Number OIG-20-71 (Sept 21, 2020), <a href="https://www.oig.dhs.gov/taxonomy/term/2556">https://www.oig.dhs.gov/taxonomy/term/2556</a>. <sup>3</sup> U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, Statement on improper disclosure of noncitizen personally identifiable information (Nov. 30, 2022),</p>	
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	<p><a href="https://www.ice.gov/news/releases/statement-improper-disclosure-noncitizen-personally-identifiable-information">https://www.ice.gov/news/releases/statement-improper-disclosure-noncitizen-personally-identifiable-information</a>. 4 MUSIL, STEVEN, CNET, Homeland Security breach exposes data on 240,000 employees (Jan. 3, 2018), <a href="https://www.cnet.com/news/privacy/homeland-security-breach-exposes-data-on240000-employees/">https://www.cnet.com/news/privacy/homeland-security-breach-exposes-data-on240000-employees/</a>.</p> <p>C. We Urge the USCIS Asylum Office To Accept Form G-28 Appearances Without Requiring a Wet-Ink Signature From Asylum Seekers Who Are Detained.</p> <p>Eliminating the wet-ink signature requirement to enter appearances to represent detained asylum seekers is a necessary step to increase access to counsel. In short, we ask USCIS to update its instructions and make an exception for appearances from attorneys and DOJ accredited representatives before the Asylum Office for people who are detained by not requiring the burdensome and often impossible task of traveling to the detention facility to obtain a wet-ink signature from the applicant before their interview with the Asylum Office. In the current system, the vast majority of detained asylum seekers face the asylum process alone while detained in prison-like conditions, many in isolated facilities in rural areas far away from counsel and family.</p> <p>Detention is a well-known barrier to representation. Data, including DHS’s public data, confirms that it is alarmingly difficult and often impossible for asylum seekers who are detained to secure counsel. A 2016 report from published by American Immigration Council showed that a mere “14 percent of detained immigrants acquired legal counsel, compared with two-thirds of nondetained immigrants.”<sup>5</sup> Recent data published by DHS in September 2022 is even more alarming: DHS reported that a sky-high 92.5 percent of asylum seekers were unrepresented when undergoing asylum merits interviews before the Asylum Office under the Biden Administration’s Interim Final Rule<sup>6</sup>, often referred to as the “Asylum Processing Rule”.<sup>7</sup> And nearly all – 99.1 percent of those undergoing the preceding credible fear interviews under the rule were unrepresented. Of note, in another Federal Register comment, Florence Project alerted that the Asylum Processing Rule favors efficiency over meaningful access to asylum, subjecting people to very fast timelines and not considering the unique barriers that detained individuals face, including access to counsel. Attached Ex. A: Federal Register Comment Filed by Florence Immigrant &amp; Refugee Rights Project (May 26, 2022).</p> <p>For example, the Florence Project has documented the following barriers to access to counsel,</p> <ul style="list-style-type: none"><li>• In Arizona, all three adult detention facilities that the Florence Project serves are located in the geographically isolated towns of Eloy and Florence, Arizona, between 60 and 70 miles away from the nearest metropolitan cities of Tucson and Phoenix.</li></ul> <p><sup>5</sup> AMERICAN IMMIGRATION COUNCIL, Access to Counsel in Immigration Court (September 2016), <a href="https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf">https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf</a>.</p>	
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	<p>6 U.S. DEP’T OF HOMELAND SEC., Procedures for Credible fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers, 87 Fed. Reg. 18, 078 (proposed March 29, 2022) (to be codified in 8 C.F.R. pts. 208, 212, 235, 1003, 1208, 1235, 1240). 7 REBECCA GENDELMAN, HUMAN RIGHTS FIRST, Rushed Timelines, Inadequate Access to Legal Representation Impede Meaningful Opportunity to Seek Asylum Under New Asylum Processing Rule (Oct. 21, 2022), <a href="https://humanrightsfirst.org/library/rushed-timelines-inadequate-access-to-legal-representation-impede-meaningful-opportunity-to-seek-asylum-under-new-asylum-processing-rule/">https://humanrightsfirst.org/library/rushed-timelines-inadequate-access-to-legal-representation-impede-meaningful-opportunity-to-seek-asylum-under-new-asylum-processing-rule/</a>.</p> <ul style="list-style-type: none"><li>• Florence Project has for many years documented significant delays in the mail system, including at least three days of delay for both incoming and outgoing mail.</li><li>• Detention facilities, including Eloy Detention Center and Florence Correctional Center have not historically provided private and confidential spaces for phone calls.<sup>8</sup></li><li>• It is difficult to access and/serve people with special vulnerabilities such as third language speakers and people placed in segregation for safety or mental health reasons. It is especially difficult for Florence Project staff to access immigrants detained with urgent matters such as credible fear interviews (CFI) and reasonable fear interviews (RFI) before the Asylum Office. Staff, for years, have documented how securing a wet-ink signature from an asylum seeker for CFI and RFI representation is burdensome on Florence Project’s already limited resources; can result in delays; and can be an absolute barrier to representation. For example, Daniela Ugaz, an attorney with Florence Project’s Detention Access Response Team (DART), said “I have a montage of stories about having to work longer days or push important tasks to another day or another week because I found myself suddenly having to make a three-hour drive round trip just to get a signature” to be able to advocate for my client for an urgent need.</li></ul> <p>Another Florence Project attorney Matthew Palmquist, who is an EJW Fellow working on proving holistic representation for detained LGBTQIA+ migrants in Arizona, shared the following stories about his unsuccessful attempts to represent detained LGBTQIA+ asylum seekers in their credible fear interviews before the USCIS Asylum Office. Leticia<sup>9</sup>, a lesbian woman, fled her home country after suffering horrifying violence and threats to her life. She was apprehended after crossing into the U.S. undocumented and detained at Eloy Detention Center, in Eloy, Arizona while she received a credible fear interview by the Asylum Office. Florence Project Attorney Palmquist was contacted on a Tuesday about Leticia’s need for representation. Three days later, he traveled to Eloy Detention Center in Eloy, Arizona to get Leticia’s signature for Form G-28 but it was too late. Leticia had to undergo the interview by herself.</p> <p>Dennis, a gay man who also experienced horrific violence, was detained at Eloy Detention Center in Eloy, Arizona around mid-January 2023. Florence Project staff met him during a Know Your Rights legal orientation on January 16, 2023. Less than a week later, Attorney Palmquist agreed to represent Dennis before the Asylum Office.</p>	
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	<p>That Friday, Attorney Palmquist quickly scheduled and spoke with Dennis to tell him that he would visit him the following week to get a signature for Form G-28 and start representation. But unbeknownst to Dennis, he was interviewed that Saturday by the Asylum Office. 8 A district court earlier this year ordered the Florence Correctional Center (FCC), a facility holding immigrants awaiting removal, including asylum seekers, in Florence, Arizona to create numerous private attorney rooms and private phones because “it appears quite likely that Florence [FCC] has functionally stripped detainee-clients of access to their attorneys without due justification.” See <i>Americans for Immigrant Just. v. U.S. Dep’t of Homeland Sec.</i>, 1:22-cv03118-CKK (D.C.C., preliminary injunction granted, *43, February 1, 2023). 9 All names in client stories have been changed to protect confidentiality.</p> <p>Dennis, like Leticia, had to undergo the interview by himself. No one should have to face the asylum process alone, especially people in vulnerable<sup>10</sup> situations.</p> <p>Finally, to support its signature requirement, the USCIS has relied upon the confidentiality protections embedded in 8 C.F.R. 208.6. However, Immigration Customs and Enforcement (ICE) has accepted G-28 Forms without requiring the detained individual’s signature, and USCIS did so during the pandemic. Of note, Florence Project attorneys have consistently reports that access to counsel barriers for detained people has been a significant problem before and after the pandemic. Furthermore, the DOJ’s Immigration Court under the Executive Office for Immigration Review and DOJ’s Board of Immigration Appeals do not require the signature of the noncitizen to recognize counsel as an asylum seeker’s attorney of record when accepting the Form E-28, Notice of Entry of Appearance as Attorney or Representative. This position is justified because attorneys are bound by strict ethical guidelines which prohibit abusive conduct and disclosure of confidential client information and similarly, DOJ representatives undergo a thorough screening by DOJ and are closely supervised the attorneys associated to the DOJ accredited organization.</p> <p>D. Conclusion</p> <p>Requiring dates of birth from legal representatives goes in the opposite direction of increasing access to counsel, likely discouraging attorneys from entering Forms G-28. Instead, we urge DHS increase representation by doing away with the wet-ink signature requirement for detained asylum seekers.</p> <p>Thank you for your consideration, On behalf of the Florence Immigrant &amp; Refugee Rights Project, Rocío Castañeda Acosta, Esq. Shannon Johnson, Esq. Advocacy Attorney Managing Attorney rcastaneda@firrp.org sjohnson@firrp.org Florence Immigrant &amp; Refugee Rights Project P.O. Box 86299</p>	
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	<p>Tucson, AZ 85754</p> <p>10 A report found that LGBTQ+ migrants make up 12 percent of sexual abuse assault victims in ICE detention. CENTER FOR AMERICAN PROGRESS, ICE’s Rejection of Its Own Rules Is Placing LGBT Immigrants at Severe Risk of Sexual Abuse (May 30, 2018), <a href="https://www.americanprogress.org/article/ices-rejection-rules-placing-lgbt-immigrants-severerisk-sexual-abuse/">https://www.americanprogress.org/article/ices-rejection-rules-placing-lgbt-immigrants-severerisk-sexual-abuse/</a>.</p> <p>EXHIBIT A</p> <p>1</p> <p>Submitted via <a href="http://www.regulations.gov">www.regulations.gov</a></p> <p>May 26, 2022</p> <p>Rená Cutlip-Mason Chief, Division of Humanitarian Affairs, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 5900 Capital Gateway Drive, Camp Springs, MD 20588-0009</p> <p>Lauren Alder Reid, Assistant Director, Office of Policy Executive Office for Immigration Review 5107 Leesburg Pike, Suite 2616 Falls Church, VA 22041</p> <p>RE: RIN 1125-AB20, DHS Docket No. USCIS-2021-0012</p> <p>Public Comment on Interim Final Rule for Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers</p> <p>To Whom It May Concern:</p> <p>The Florence Immigrant &amp; Refugee Rights Project (“Florence Project”) submits this Comment urging the Department of Justice (DOJ)’s Executive Office for Immigration Review (EOIR) and the Department of Homeland Security (DHS)’s U.S. Citizenship and Immigration Services (USCIS) to consider and revise several aspects of the Interim Final Rule (IFR) that deny detained asylum seekers a fair opportunity to present their asylum claims. In particular, the very fast timelines for the Asylum Merits process, requests for reconsideration of Credible Fear Interviews (CFI or CFIs) and streamlined review before EOIR ignore the significant barriers faced by pro se respondents, particularly those in immigration detention. Asylum-seekers are held in remote detention centers, often without access to evidence, a right to government-appointed counsel, language resources,</p>	
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	<p>and family support. While we commend the administration for some positive 2 changes to the notice of proposed rulemaking (NPRM), we ask the agencies to reconsider making additional changes that will undermine the fundamental fairness of the process offered. We included several recommendations in this comment. While our comment deals with the current reality that many migrants are detained and unrepresented in their immigration process, we also believe that a humane asylum process cannot coexist with expedited removal, detention, and lack of appointed counsel at government expense for all people in removal proceedings.</p> <p>I. The Florence Project Is Well-Positioned to Offer Meaningful Feedback on the IFR</p> <p>The Florence Project is a 501(c)(3) non-profit organization that provides free legal and social services to the thousands of adults and children detained in immigration custody in Arizona on any given day. The Florence Project was founded in 1989 to provide free legal services to asylum seekers and other migrants in a remote immigration detention center in Florence, Arizona where people had no meaningful access to counsel. We have expanded significantly since that time and now provide free legal and social services to detained adults and unaccompanied children throughout Arizona.</p> <p>Additionally, in 2017, we partnered with the Kino Border Initiative (“KBI”), a binational organization, to provide legal services to asylum seekers at the U.S.-Mexico border. Through that partnership, the Florence Project’s Border Action Team now provides regular group and individual legal orientations and representation to asylum seekers in Nogales, Sonora, just across the border from the Port of Entry into Nogales, Arizona. As the only 501(c)(3) non-profit organization in Arizona dedicated to providing free legal and social services to people in immigration detention, our vision is to ensure that every person facing removal proceedings has access to counsel, understands their rights under the law, and is treated fairly and humanely.</p> <p>In 2021, the Florence Project provided legal case assistance over 4,000 times and provided over 8,600 legal educational packets to adults detained in Arizona. Our services include legal orientation services to detained pro se asylum seekers in Eloy and Florence to empower them to represent themselves in bond and removal proceedings. In 2021, our attorneys also represented 249 adults before the EOIR, including 115 people who were appointed counsel after an Immigration Judge found them incompetent to represent themselves pursuant to <i>Franco-Gonzalez v. Holder</i>.</p> <p>1 Our Border Action Team provided legal orientations to 2,600 people passing through KBI’s humanitarian aid center in Nogales, Mexico; these services directly impacted 4,200 people when considering the accompanying family members. Finally, in 2021, our Social Service Team provided lifesaving social</p>	
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	<p>services to 628 people.</p> <p>II. The IFR Includes Some Welcomed Changes That Facilitate Fair Adjudication of Some Asylum Claims</p> <p>The Florence Project welcomes several of the changes made to the initial NPRM and now in the IFR. These include:</p> <ul style="list-style-type: none"><li>• Referral to full 240 removal proceedings instead of truncated IJ review when individual’s claims are denied before the Asylum Office.</li><li>• The clarified parole standard under INA § 212(d)(5)</li><li>• A requirement that the Asylum Officer (AO or AOs) shall elicit all relevant and useful information regarding applicants’ eligibility for asylum</li><li>• A requirement that the AO will elicit all relevant information from dependents included on an asylum application to determine whether they have an independent basis for protection before referring family to the EOIR</li><li>• Amendment to allow AOs to refer cases to EOIR rather than order applicants removed in absentia</li><li>• Allowing for automatic review of AOs’ decisions instead of placing the burden on the applicant to affirmatively request review</li><li>• Retention of the ability to ask for reconsideration before USCIS</li><li>• A requirement that USCIS provide competent interpreters for asylum interviews held before the Agency, and an attribution of delay to the Agency instead of the applicant if a competent interpreter cannot be located at the time of the interview 1 Franco-Gonzalez v. Holder, No. CV 10-02211 DMG DTBX, 2013 WL 3674492, at *20 (C.D. Cal. Apr. 23, 2013) (finding that “Section 504 of the Rehabilitation Act require requires Defendants [DHS] to provide Qualified Representatives to represent Sub-Class One members [those with serious mental disorder or defect that renders them incompetent to represent themselves in detention or removal proceedings] in all aspects of their removal and detention proceedings.”) 4</li><li>• Exceptions to streamlined 240 proceedings for applicants under the age of 18 at the time the NTA is issued, those who exhibit indicia of incompetency, and remanded or reopened cases</li><li>• Clarification of the use of the significant-possibility standard and elimination of screening for bars at the CFI stage</li></ul> <p>III. Despite These Changes, the IFR Has Serious Shortcomings That Will Unfairly Impact the Rights of Detained Asylum Seekers.</p> <p>A. The Changed Process for Seeking Reconsideration of A Negative CFI Is Not Sufficient and Unjustly Punishes Pro Se Detained Asylum Seekers for Barriers Outside of Their Control</p> <p>We thank the agencies for incorporating our feedback and restoring the access to</p>	
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	<p>the Request for Reconsideration (RFR) process with USCIS after an IJ has affirmed the negative CFI finding. However, the seven-day deadline and one-shot rule outlined in the IFR renders the RFR process inaccessible for many detained asylum seekers. Not only do many lack the ability to read and understand the CFI decision in English, but the rampant delays in detention center mailing system and frequent transfers of detained by ICE mean that applicants may not even receive their CFI decisions until the seven-day window has passed. Additionally, many detained asylum seekers lack counsel to provide rapid review and identify significant errors that could form the basis of an RFR. For example: Aalim2 was initially held in an isolated detention facility in Pearsall, Texas where he had his CFI. The process was not explained to him clearly and the interpreter at his CFI interview often said that the interpreter did not understand what Aalim was trying to say, causing Aalim to doubt the accuracy of the interpretation. Without counsel, Aalim did not know how to express his concerns about the process. The AO rendered a negative CFI decision. Aalim went through the IJ review process unrepresented, confused, and unable to submit evidence on his behalf. Aalim was later transferred to Arizona where he was able to secure representation from Florence Project staff for his RFR, months after the IJ had affirmed his CFI's negative finding. Due to multiple transfers, Aalim lost possession of pertinent documents including his CFI transcript. This experience is common. The Florence Project has documented countless instances where transfers have interfered with asylum-seekers' ability to access counsel, retain documents, and advocate on their own behalf. 2 All names included here are pseudonyms to protect client privacy. 5</p> <p>Language barriers also prevent detainees from accessing the RFR process within the timeframe proposed in the IFR. Francis is a client who was detained at the La Palma Correctional Center ("La Palma"), an isolated detention facility in Eloy, Arizona. Through counsel, Frances was able to submit a RFR with the AO approximately two months after the IJ affirmed the negative finding. Francis could not have submitted the RFR earlier because he did not know it was possible to do so; there are no advisals in a language that he could understand about the RFR process in any of the paperwork he received. Further, because of repeated lockdowns and quarantines due to COVID-19, he was unable to leave his cell block and meet with counsel. USCIS granted Francis's RFR, but because of the linguistic and pandemic-related barriers, there is no possibility that he could have filed within the timeline set forth in the IFR.</p> <p>Recommendations: As recommended in a separate comment filed jointly by the Florence Project and other legal services providers along the U.S.-Mexico border, we urge the agencies to consider the recommendations set forth in the comment. Specifically, we request that the Departments:</p>	
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	<p>1) Enhance access to counsel before CFIs and IJ review hearings via release of more migrants from detention, as well as by providing more timely notices of those events to detained migrants, electronic notification of those events to counsel with entries of appearance on file, reducing logistical obstacles identified by the ICE Advisory Committee, and clarifying that counsel may participate fully in IJ review hearings.</p> <p>2) Conduct CFIs in person and require that any CFIs still conducted over the telephone not include negative credibility findings.</p> <p>3) Ensure asylum officers and IJs consistently use a trauma-informed approach to evaluating asylum applicants.</p> <p>4) Ensure that rare and indigenous language speakers and individuals with diminished capacity be consistently referred through Section 240 proceedings, not credible fear screening.</p> <p>5) Ensure that CFIs are routinely conducted in a non-adversarial manner and elicit all relevant and useful information, including with expanded and improved training and by providing asylum officers with enough time to conduct a complete non-adversarial interview. 6</p> <p>6) Take the specific steps discussed in our earlier comments to ensure that asylum officers and IJs apply the appropriate low screening standard for CF determinations correctly and comply with associated procedural protections.</p> <p>7) Improve the quality and accessibility of the record of CF determinations as proposed in our earlier comments, such as by requiring that all materials on which the CF decision was based be provided to the applicant and any counsel in a timely manner.</p> <p>8) Improve IJ review hearings, including by clarifying that procedural errors in CFIs are within the scope of review, prohibiting credibility determinations based on omissions or errors in the CF record, and requiring an independent conclusion as to whether the applicant meets the credible fear standard.</p> <p>B. The Extremely Short Window for the Asylum Merits Interview, Including the Seven/Ten-day Deadline to File Evidence and Amendments, Does Not Allow Adequate Time to Prepare, Find Counsel, and Gather and File Evidence.</p> <p>The timeframe set forth by the IFR for the asylum merits process is unrealistic, especially for those in detention, and it runs counter to Congress’s intent to provide asylum seekers one year to file their claims. See INA §208(a)(2)(B); 8 C.F.R. § 1208.4(a)(2)(i)(A).</p> <p>Under proposed 8 C.F.R. § 208.9(a)(1), the IFR requires that USCIS schedule an asylum merits interview within 21 days after positive CFI and conduct the interview within 45 days of service of the record to asylum seekers. Under</p>	
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	<p>proposed 8 C.F.R. § 208(b)(2), amendments, corrections, or supplemental evidence that applicants wish for the AO to consider after passing a CFI must be submitted no later than seven (7) days prior to the scheduled asylum interview, or for documents submitted by mail, postmarked no later than 10 days prior to the interview. Under proposed 8 C.F.R. § 208.9(e)(2), absent of exigent circumstances, an AO cannot grant any extensions for submission of additional evidence that would prevent a decision from being issued to the applicant within 60 days of service of the positive credible fear determination. Taken together, these case completion mandates and filing deadlines impose significant burdens on detained 7 asylum seekers, especially for the great majority of applicants who undergo the process pro se, which is likely higher than 86 percent. <sup>3</sup></p> <p>Most attorneys, even with an extension of the 45-day limit, cannot competently prepare a client to proceed on the merits of an asylum case in the timeframes envisioned in the rule. In our experience as counsel before USCIS representing unaccompanied children’s asylum claims, we require at least double the 45-day window to prepare even the most straightforward claims. Clients, especially those who have suffered severe trauma, require time to understand the asylum process, the legal requirements of an asylum claim, and to establish a rapport with counsel. Counsel requires time to understand the basis of the claim, to seek relevant evidence (often including evidence from other countries), and to adequately advise and prepare the client for the interview.</p> <p>Moreover, in our experience attorneys also face significant problems and obstacles when attempting to file evidence with the AO for CFI applicants who are detained because USCIS does not have publicly available mechanisms for filing evidence, amendments, or any type of inquiries on cases. We are concerned that these structural barriers will also infect the asylum merits process. For example, within the CFI process, Florence Project attorneys regularly report that:</p> <ul style="list-style-type: none"><li>• Attorneys do not know when or who will be conducting the CFI until, at best, hours before interview takes place and, at worst, the moment the attorney receives a call out-of-the-blue for the interview itself.</li><li>• It is difficult and sometimes impossible for attorneys to file evidence. No information about a filing mechanism is publicly available. In the past, pro se individuals who went through CFIs and had evidence with them in the interview have been told that there is no way to submit that evidence when the interview was conducted telephonically.</li></ul> <p><sup>3</sup> The Florence Project was not able to find a study on access to counsel before the AO for detained immigrants, however, a study conducted on access to counsel found before Immigration Court found that only 14 percent of detained immigrants were represented by counsel. Given our experience with the CFI process mentioned throughout this Comment, we</p>	
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	<p>suspect the number of unrepresented individuals is much higher for the CFI process. See INGRID EAGLY AND STEVEN SHAFER, AMERICAN IMMIGRATION COUNCIL, Access to Counsel in Immigration Court (Sept. 2016), available at <a href="https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf">https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf</a>. 8</p> <ul style="list-style-type: none"><li>• In the rare cases where the attorneys is able to file evidence before the CFI, Asylum Officers often do not have that evidence when conducting the interview.</li><li>• Legal calls to prepare for a CFI can be subject to lack of privacy when a detainee is completing the interview from a detention center phone bank and calls are frequently dropped.<sup>4</sup></li><li>• Interviews are often conducted as early as 6 a.m. in the morning, making it difficult for individuals to be awake and prepared for the interview as well as making it difficult for legal service providers to represent individuals or secure pro bono counsel.</li></ul> <p>For those without counsel, both the stakes and the barriers are even higher. Clients detained at remote detention centers calling family or friends for help to gather evidence are often “stymied by long wait times, confusing instructions, dropped calls, and for cash-poor migrants, the cost – which can top 20 cents per minute and has been criticized as exorbitant.”<sup>5</sup> In our experience, the mail system at detention centers adds at least three days of delay for both incoming and outgoing mail, resulting in delays in sending, receiving, and filing essential documents. In addition, many of the clients we serve have suffered severe trauma that gives rise to their asylum claims. Our clients tell us that their detention, often in remote prison-like facilities, constantly triggers traumatic memories and results in stress, sleeplessness, depression, and anxiety. These physical and mental barriers are even more predominant for those with diminished capacity.</p> <p>Moreover, the IFR’s deadlines runs counter to existing statute and regulations that provide asylum seekers with one year to file their claims. See INA §208(a)(2)(B); 8 C.F.R. § 1208.4(a)(2)(i)(A). In enacting that regulation, Congress recognized that asylum seekers require time to recover from trauma, arrange for basic necessities like food, housing, and school for their children, and gather evidence for their claims. Mandating such rapid timelines in the IFR runs counter to Congressional intent.</p> <p>4 CLAUDIA VALENZUELA, IMMIGRATION IMPACT, ICE Makes It Impossible for People to Make Phone Calls from Detention Centers Even in a Pandemic (Aug. 2020), available at <a href="https://immigrationimpact.com/2020/08/27/ice-phone-calls/">https://immigrationimpact.com/2020/08/27/ice-phone-calls/</a>. 5 SHANNON NAJMABAD, TEXAS TRIBUNE, Detained migrant parents have to pay to call their family members. Some can’t afford to. (July 2018), available at</p>	
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	<p><a href="https://www.texastribune.org/2018/07/03/separated-migrant-families-charged-phone-calls-ice/">https://www.texastribune.org/2018/07/03/separated-migrant-families-charged-phone-calls-ice/</a>.</p> <p>9</p> <p>Recommendations:</p> <ul style="list-style-type: none"><li>• First, we recommend that all the IFR’s deadlines be removed or, at a minimum, lengthened to adequately accommodate the concerns raised above regarding trauma and barriers encountered particularly by detained individuals.</li><li>• Second, we recommend that DHS creates an amendment to the IFR requiring that USCIS must grant requests to reschedule and accept evidence within the first year after an applicant’s arrival, consistent with INA §208(a)(2)(B) and 8 C.F.R. § 1208.4(a)(2)(i)(A).</li><li>• Third, we urge the Administration to create a presumption of release from detention once an applicant passes a CFI.</li></ul> <p>C. We Continue to Oppose Using the CFI Record as the Basis for the Asylum Application Before EOIR.</p> <p>Proposed 8 C.F.R. § 1240.17(c) will render the CFI record (including interview transcripts, documentary evidence, and decision) the basis of the asylum application in 240 proceedings before the IJ. To justify the decision, the IFR states that “[b]ecause the USCIS Asylum Merits interview will create a record that includes testimony and documentary evidence, the Departments believe that less time will be needed in immigration court proceedings to build the evidentiary record.”<sup>6</sup> The justification is simply insufficient given the nature of detention and the time limitations created under the IFR’s proposed 8 C.F.R. § 208.9(e)(2), 8 C.F.R. § 208.9(a)(1), and 8 C.F.R. § 208.9(e)(2). We are greatly concerned that the asylum merits record will be incomplete and even inaccurate resulting in needless appeals.</p> <p>While we applaud the additional language requiring that the AOs elicit relevant and useful information, there will be times when the AO is simply unable to elicit relevant information because of the nature of detention. Apart from the obstacles mentioned previously (costly and dropped calls, untimely mail system, lack of appointed counsel at government expense), our staff has documented the following problems:</p> <p>6 U.S. DEP’T. HOMELAND SECURITY, Interim final rule with request for comments: Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers, DHS-2022-0012, 87 Fed. Reg. 18078, at 18099 (Mar. 2022). 10</p> <ul style="list-style-type: none"><li>• AOs have failed to identify in multiple cases asylum seekers who had diminished capacity or a serious mental health disability. In multiple cases, after Florence Project social workers filed indicia of incompetence, the IJ</li></ul>	
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	<p>found the applicant incompetent and assigned pro bono counsel under Franco-Gonzalez v. Holder</p> <ul style="list-style-type: none"><li>• People detained at La Palma Correctional Center in Arizona reported inability to access the library to make copies of important legal documents, impacting their ability to find counsel</li><li>• Florence Project staff report that they have reviewed multiple CFIs that contain incomplete and sometimes inaccurate notes from the Asylum Officers that form the basis for the CFI denials</li></ul> <p>Inaccurate or incomplete records greatly affect the outcome of the § 240 removal proceedings before the IJs. In Arizona, we have documented IJs and DHS using the CFI record against represented and unrepresented applicants to unjustly attack their credibility. For example:<sup>7</sup></p> <p>Mireya was detained at the Eloy Detention Center, an isolated facility in Eloy, Arizona. At her CFI she did not disclose years of sexual abuse by a prosecutor in her home country because she felt ashamed to discuss it. Mireya received a negative CFI finding and was referred to an immigration judge for a CFI review hearing. Prior to her hearing, Mireya disclosed a history of sexual trauma to medical staff at the Eloy Detention Center. The medical staff encouraged her to disclose this information to the court. She did, and as a result the IJ vacated the AO’s negative finding. At Mireya’s merits hearing, another judge made a negative credibility finding based on failure to disclose the sexual abuse during her CFI even though she filed a psychological evaluation showing that she suffered from severe trauma and had difficulty discussing the abuse.</p> <p>Sara was a client that was detained at the Eloy Detention Center. Shortly after entering the U.S. without inspection, she received a reasonable fear interview where disclosed to the officer that she was a victim of sexual assault. The circumstances surrounding the assault were not adequately explored and the AO failed to elicit relevant information revealing that she had been sexually assaulted in part because she had witnessed a crime. At her review hearing, the IJ held that Sara did not fully disclose the details of the sexual assault to the AO and relied on this in making an adverse credibility finding. After a lengthy appeals process, the</p> <p><sup>7</sup> All names and personal information have been changed to protect client confidentiality.</p> <p>11</p> <p>BIA reversed the IJ’s findings and remanded proceedings for an entirely new withholding of removal and CAT hearing.</p> <p>Luisa was a client that was detained at the Eloy Detention Center. Shortly after entering the U.S. through a port-of-entry, Luisa appeared pro se for her CFI. Based on the transcript, the AO did not seem to know what “guerilla” was and repeatedly transliterated the word as “gorilla.” The AO failed to adequately elicit information about the racially motivated verbal abuse Luisa suffered. Additionally, Luisa did</p>	
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	<p>not disclose that she had also been a victim of domestic abuse. With the benefit of representation, Luisa attempted to disclose the domestic abuse the IJ at her review hearing, but the IJ stated he was limited to the record of the CFI, declined to take any new information or evidence, and affirmed the negative credible fear finding. Although on its face making the CFI interview the asylum merits record may appear to benefit asylum seekers, it will be particularly harmful for asylum seekers who have not had the ability to file supplementary evidence, had significant logistic and linguistic challenges when completing the CFI process, were not able to present their claim fully, and want the opportunity to explain their cases to the IJ. The DHS can take advantage of the weak record— often created through no fault of the applicant—and deprive that person of the right to testify directly before the IJ. We are very concerned that this will disproportionately affect unrepresented applicants who do not understand the process. The recommendations below are even more crucial because the IJ has an option to decide the case on the written record under proposed 8 C.F.R. § 1240.17(f)(4), making the stakes higher for the 240 proceedings to comply with due process. See Comment infra III.D.</p> <p>Recommendations:</p> <ul style="list-style-type: none"><li>• We recommend that the IFR clarify that the applicant has the right to file a newly executed Form I-589 if they wish. The applicant must also be informed of this right.</li><li>• Second, we recommend adding language that applicants can make any amendments they wish to the CFI record prior to their hearing the AO and IJ must also consider any and all amendments and additional information, testimony, or evidence provided prior to rendering a decision.</li></ul> <p>12</p> <p>D. Limitations on Continuances and Short Timeframes for Filing and Adjudication of Claims in Streamlined 240 Proceedings Are Unrealistic and Infringe on Due Process Rights, Especially For Detained Applicants.</p> <p>We welcome the change under proposed 8 C.F.R. § 1240.17(f)(5) that places people who are denied asylum before the AO in full INA § 240 removal proceedings rather than creating a truncated limited IJ review process. However, we are deeply concerned that the heightened standard for continuances and the short timeline for adjudication will unfairly burden detained asylum seekers.</p> <p>First, we strongly urge the administration to reconsider the heightened standard for continuances and recommend that it use the existing “good cause” standard. Under proposed 8 C.F.R. § 1240.17(h) continuances and extensions for filing evidence shall not exceed 10 days. Proposed 8 C.F.R. § 1240(h)(2)(ii) and (iii) impose heightened standards for respondents who seek continuances and extensions that</p>	
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	<p>would cause merits to be continued more than 90 days after initial master calendar. The proposed regulations would ban continuances that would extend the merits hearing more than 135 days after the initial master calendar and would only allow further continuances if contrary to statute or the Constitution.</p> <p>As an initial matter, the “good cause” standard already accounts for factors such as how many prior continuances have been granted, thus there is little benefit to formalizing a shifting standard based on that same factor. See Matter of L-A-B-R-, 27 I &amp; N Dec. 405 (BIA 2018). Moreover, this shifting standard for continuances will cause unnecessary confusion and will disproportionately harm unrepresented individuals who will have little knowledge or understanding of the nuanced differences between the graduated continuance standards or how to best meet these newly created standards.</p> <p>Especially when compared to the relatively low bar imposed on the government to show that they require a continuance because of “significant government need” under proposed 8 C.F.R. § 1240.17(h), the IFR’s imposition of unreasonable timelines disproportionately burdens respondents and will result in inefficient use of court time as well as fundamentally unfair hearings for respondents.</p> <p>13</p> <p>As written, the IFR also fails to acknowledge and accommodate the serious obstacles imposed by detention, especially for pro se asylum seekers. If these timelines are implemented, detained pro se asylum seekers will be forced to present claims without a full understanding of the process and without access to evidence relevant to their claims. As discussed previously, mail in detention is extremely slow, indigent asylum seekers seeking counsel must wait until legal services providers or pro bono counsel can set up an intake, DHS often confiscates property and documents relevant to the case which take time to access or documentation is lost during transfers, and often libraries at detention centers are extremely dated, lacking up-to-date or any resources about law and procedure.</p> <p>We also object to proposed 8 C.F.R. § 1240(f)(2) which provides that merits hearings must be scheduled within 65 days after the initial master calendar hearing. While some respondents may be ready and eager to present their claims within that timeline, the Immigration Judge is best positioned to determine whether good cause exists to continue the case. These decisions are case-by-case and require an understanding of the facts and circumstances of each case. Imposing a 65-day limit on the adjudication of cases removes the IJ’s flexibility and docket control.</p> <p>We are also concerned that proposed 8 C.F.R. § 1240(f)(1) and (f)(3) requires respondents to submit additional evidence by status conferences to be held no later than 35 days after the master calendar hearing unless a continuance or filing extension is granted. Taken in conjunction with proposed 8 C.F.R. § 1240.17(b), which requires an initial master calendar hearing must take place within 30-35</p>	
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	<p>days after DHS commences 240 proceedings, these extremely fast timelines will limit the ability of pro se asylum seekers to gather evidence, find an attorney, and consult with a legal services provider like the Florence Project.</p> <p>Finally, just as the extremely accelerated timelines in the affirmative AO track impinge on statutory rights to submit an asylum application within one year of arrival, see supra Section B, these deadlines impose deadlines and timeframes not contemplated by Congress.</p> <p>E. We Strongly Oppose Changes That Allow the IJ To Decide A Case Without a Merits Hearing.</p> <p>Proposed 8 C.F.R. § 1240.17(f)(2)(i)(A) provides that “the IJ may forgo a merits hearing and decide the respondent's application on the documentary record (1) if neither party has requested to present testimony and DHS has indicated that it 14</p> <p>waives cross-examination, or (2) if the noncitizen has timely requested to present testimony, DHS has indicated that it waives cross-examination and does not intend to present testimony or produce evidence, and the IJ concludes that the application can be granted without further testimony.” Here, even if the asylum-seeker wishes to present testimony, DHS’s waiver can override that request for a hearing.</p> <p>Proposed 8 C.F.R. § 1240.17(f)(4)(i) and (ii) provide that “[b]ased on the parties’ representations at the status conference and an independent evaluation of the record, the immigration judge shall decide whether further proceedings are warranted or whether the case will be decided on the documentary record in accordance with paragraph (f)(4) of this section.”</p> <p>While these proposed regulations may allow for the resolution of cases rapidly where the IJ is willing to grant relief and DHS does not oppose, we are deeply concerned that DHS will be able to exploit this streamlining measure when it knows that the paper record is insufficient for the IJ to grant asylum and that the court is likely to deny the claim. This is of particular concern, again, for pro se applicants who often lack the skill, knowledge, and even literacy necessary to develop a complete written accounting of their asylum claim. Given the highly rushed timeline for the status conference and the barriers caused by detention, pro se asylum seekers may lack a fair opportunity to present their case or even understand the legal implications of contesting the asylum officer’s decision. In addition, deciding cases without hearing is inconsistent with IJs’ duty to develop the record, particularly where asylum seekers are unrepresented. “[A]liens appearing pro se often lack the legal knowledge to navigate their way successfully through the morass of immigration law, and because their failure to do so successfully might result in their expulsion from this country, it is critical that the IJ scrupulously and conscientiously probe into, inquire of, and explore for all the relevant facts.” <i>Pangilinan v. Holder</i>, 568 F.3d 708, 709 (9th Cir. 2009).</p>	
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	<p>For example, the analysis of whether an asylum-seeker belongs to a particular social group (PSG) is an incredibly complex, nuanced, and ever-evolving area of law that is virtually impossible for pro se individuals to successfully navigate on their own. Having an opportunity to present evidence and testimony after the asylum interview in a hearing where either counsel or, if pro se, the IJ must ask questions necessary to develop the record fully and fairly would be the only way for them to adequately pursue their PSG-based asylum claim. This proposal would empower DHS to foreclose this opportunity.</p> <p>Retaining the IJ’s obligation to hold a hearing and fully develop the record is a crucial due process protection. For example, Gabriel, a Florence Project client, had previously represented himself pro se before an immigration judge while detained.</p> <p>15</p> <p>At his merits hearing, the immigration judge rendered an adverse credibility finding based on what the IJ considered inconsistent statements in the CFI and Gabriel’s testimony in court. The immigration judge failed to ask Gabriel any questions about perceived inconsistencies before ordering him removed. The BIA agreed with Gabriel and found that the IJ did not sufficiently develop the record by failing to ask substantive questions relevant to his facts and claim. In the end, Gabriel’s case was remanded by the BIA to the IJ to fully develop the record and render a new credibility finding.</p> <p>In our experience, we regularly see cases remanded where IJs deny asylum seekers’ claims after failing to develop the record. In the current system, we can appeal and win remand, but this rule would be a green light for certain judges to prejudge and deny cases with no oversight or accountability, resulting in the denial of otherwise valid asylum claims.</p> <p>Recommendation:</p> <ul style="list-style-type: none"><li>• We urge the Administration to amend the IFR to reflect the IJ’s critical obligation to develop the record through a merits hearing before denying asylum or other protection. IJs should not be able to deny an application without a full hearing on the merits of that application.</li></ul> <p>IV. We Strongly Oppose Any Creation of Border Processing Centers As Part of Implementing This New Rule</p> <p>We urge the Administration not to create border processing centers where individuals are held by CBP while they await their CFI and Asylum Merits process. The Florence Project is uniquely positioned to opine on the disastrous consequences that this will have on people’s ability to access asylum and on the spread of abuse and mistreatment by CBP employees.</p> <p>For over three decades and since its inception in 1989, the Florence Project has continued to provide legal and social services to adults and unaccompanied children detained in Arizona. Through our work, we have documented hundreds of</p>	
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	<p>complaints of abuse by Border Patrol agents confirming what is already publicly known – Border Patrol is a highly problematic law enforcement agency that has continuously turned a blind eye on complaints of Border Patrol abuse and</p> <p>16 mistreatment.</p> <p>8 Just recently, we and other immigrant advocacy organizations filed a complaint detailing the patterns of abuse and mistreatment that immigrant children face while in CBP custody.</p> <p>9 Of note, our organization filed 130 individual complaints in just a six-month period; these numbers are only the tip of the iceberg because our staff regularly reports that children are afraid to file complaints due to trauma and fear of retaliation. This abuse is systemic and ongoing: in June 2014, we and our partner organizations filed a similar complaint that documented the widespread abuse of unaccompanied immigrant children at the hands of Border Patrol.</p> <p>10 Given the problematic history of CBP and rampant culture of impunity in which it continues to operate, we urge the administration to not create border processing sites in connection with this IFR. Doing so will run against our nation’s nonrefoulement commitments and domestic asylum law and will increase the spread of abuses by CBP.</p> <p>8 See, e.g., KEEGAN HAMILTON, VICE, Kids Allege Medical Neglect, Frigid Cells, and Rotten Burritos in Border Detention (May 2, 2022), available at <a href="https://www.vice.com/en/article/93b4vv/border-patrol-abuse-migrant-children">https://www.vice.com/en/article/93b4vv/border-patrol-abuse-migrant-children</a>. 9 ID. 10 Florence Immigrant &amp; Refugee Rights Project, Unaccompanied immigrant children report serious abuse by U.S. officials during detention (June 11, 2014), available at <a href="https://firrp.org/unaccompanied-immigrant-children-report-abuse-u-s-officials-detention/">https://firrp.org/unaccompanied-immigrant-children-report-abuse-u-s-officials-detention/</a>.</p> <p>17 V. The IFR’s Reforms Mean Nothing If the U.S. Continues Violating International Obligations to Provide Access to Asylum at the U.S.-Mexico Border</p> <p>As noted in our comment to the NPRM, the proposed changes to the asylum system are meaningless if the United States fails to comply with its obligations under international law and provide access to the asylum process for people with a fear of return to their countries of origin. The U.S. has for too long allowed immigration policy to be dictated by the whims of politicians instead of existing law. We call on the Administration to immediately restore access to asylum at the U.S.-Mexico border before implementing the IFR.</p> <p>Sincerely,</p>	
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		<p>Laura Belous, Esq., Advocacy Attorney</p>	
<p>Comment #: 143 Author: Kids in Need of Defense</p>	<p><a href="#">0281</a></p>	<p>From <u>attachment</u>:</p> <p>Sept. 25, 2023 Ms. Samantha Deshommes Chief, Office of Policy and Strategy Regulatory Coordination Division U.S. Citizenship and Immigration Services Submitted at <a href="https://www.regulations.gov">https://www.regulations.gov</a> Re: OMB Control Number 1615-0105, Department of Homeland Security, U.S. Citizenship and Immigration Services Docket ID USCIS-2008-0037, 88 Fed. Reg. 48,489</p> <p>Dear Ms. Deshommes:</p> <p>Kids in Need of Defense (KIND) respectfully submits the following comments in response to the 60-day notice “Agency Information Collection Activities; Revision of a Currently Approved Collection: Notice of Entry of Appearance as Attorney or Accredited Representative,” published by the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) on July 27, 2023.</p> <p>KIND is the leading national organization working to ensure that no child faces immigration court alone. Since 2009, KIND has received referrals for more than 30,000 unaccompanied children in need of legal assistance, and formed pro bono partnerships with over 780 corporations, law firms, law schools, and bar associations to provide children with pro bono representation. KIND’s social services program facilitates support including counseling, educational support, medical care, and other services. KIND also works to address the root causes of forced migration and to promote the safety and well-being of children at every phase of migration.</p> <p>Many unaccompanied children have fled grave threats to their lives and safety in their countries of origin, including abuse, persecution, human trafficking, and other violence. In representing child clients in their cases for legal relief, KIND’s attorneys and pro bono attorneys enter their appearances with USCIS in connection with a range of applications and petitions, including Special Immigrant Juvenile Status (SIJS) petitions, asylum and adjustment of status applications, and applications for employment authorization documents.</p> <p>KIND strongly supports the Administration’s efforts to revise the Form G-28 to allow for the addition of a paralegal to be designated for communication with USCIS regarding status requests and updates, scheduling, and other correspondence. This change will assist</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>

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		<p>attorneys and legal service providers in remaining informed about case developments and in effectively leveraging their personnel and resources in support of their clients. KIND opposes, however, the addition of a new field (Part 1.3) that requires attorneys and accredited representatives to provide their dates of birth. The Federal Register notice, proposed Form G-28, and 2 instructions provide no explanation as to why disclosure of this sensitive and personally identifiable information is sought or necessary, or why existing identifiers are insufficient. Further, USCIS fails to consider the potential personal and privacy implications of compiling information having no bearing on noticing an appearance yet that could be used in ways that prove intrusive or harmful to attorneys or representatives. For example, this personal data could become publicly available through file or public records requests, or through data breaches, and used for unlawful purposes such as fraud or identity theft. No legitimate need for this information justifies subjecting attorneys to such risks, as the G-28 includes fields such as an individual’s USCIS Online Account number, state bar number(s), phone number, and address that are sufficiently precise for the agency to identify attorneys and accredited representatives. For these reasons, KIND requests that the proposed date of birth field be eliminated from the Form G-28. KIND appreciates the opportunity to share recommendations for revising Form G-28. Please feel free to reach out to us at <a href="mailto:cshindel@supportkind.org">cshindel@supportkind.org</a> if we may be of further assistance in these efforts.</p> <p>Sincerely, /s/ Jennifer Podkul Vice President for Policy and Advocacy Kids in Need of Defense</p>	
<p>Comment #: 144 Author: Kristen Hawks</p>	<p><a href="#">0285</a></p>	<p>The G-28 should not request the birth date of the attorney of record. Our bar/license numbers show we are authorized to practice law and any concerns about that information should be directed to the relevant state bar. Requiring an attorney birth date will 1) do nothing further to identify the attorney, since the license/bar number is a unique identifier and a birth date is not, 2) expose attorneys to data privacy issues, since our birth dates and full names will now be available in A files for anyone to request via a FOIA. Requesting attorney birth dates further undermines the professionalism and respect that should be inherent in the relationship between USCIS and legal counsel representing immigrants, by seeking to request personal information that treats us as equal to the parties on the case instead of professional legal counsel.</p> <p>I am the attorney of record on numerous G-28s and object strongly to my clients having my personal identifying information. If this is part of the final form, I will decline to include this information and instead indicate this request is legally irrelevant and inappropriate to request.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>

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Comment #: 145 Author: Anonymous	<a href="#">0294</a>	Attorney's date of birth isn't necessary. The bar information should suffice.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 146 Author: Law Offices of Jesus Martinez	<a href="#">0286</a>	As an attorney, I don't want my date of birth listed on my client's documentation. First, there is no need for my clients to know when my date of birth is. If USCIS wants to verify the identity of an attorney, they can do an online search with the bar number. Secondly, not even the state bar or the state courts, publicize on forms or online, the date of birth of an attorney.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 147 Author: James Lee	<a href="#">0288</a>	You should not require attorney birthdates. Attorney license identifying numbers are sufficient to uniquely identify the person. Birthdates can subject filers to identity fraud.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 148 Author: LISA SEIFERT	<a href="#">0282</a>	Great that paralegals can be included. However, the Date of Birth is NOT information I consent to putting on a representation form. Please consult your own data security people about whether this information should ever be included in a public document. I strongly do NOT want this information shared on this form.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 149 Author: Magali Candler	<a href="#">0296</a>	I have been an immigration attorney for many years, and would like to comment on the new proposed Form G-28 form. There is no valid reason to require the attorney's birthdate on this form. The law license number should be enough. I do not want my birthdate in a client's alien registration file forever. Please consider removing this requirement. Thank you very much.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 150 Author: Elizabeth Mendoza	<a href="#">0291</a>	Dear DHS, I ask that you not require attorneys to write their DOB on a G-28. I consider this an invasion of my privacy. I also consider this requirement to put me at risk of becoming a victim of identity theft. DHS already requires an attorney bar number which I think is sufficient.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 151 Author: Inna Scott	<a href="#">0284</a>	It is completely unnecessary to include the attorney's date of birth on the G-28. Our contact information and bar admission is sufficient. There is absolutely no reason for our date of birth to be listed.	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 152 Author: David Wilson	<a href="#">0290</a>	There is absolutely no reason for attorneys to list their dates of birth on this form. As an attorney, I already have to deal with the scourge of individuals posing as me to try to exploit others. I have seen firsthand after the riots in Minneapolis what happens when one bad actor gets access to an attorney's details. I am forever trapped in duplicate authentications for everything I do for the rest of my days. No other appearance before any tribunal exposes an attorney in this manner. It recklessly endangers the attorney and his or her other clients. No government attorney would agree to such a release. It is	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.

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		incongruent with the rules of practice before any court (DOBs are redacted) and unnecessary.	
Comment #: 153 Author: Anonymous	<a href="#">0283</a>	<p>I do not feel comfortable with placing my date of birth into a permanent client's alien file. There have been many instances where I have obtained information via a FOIA request, and I have had no issues finding an attorney that previously represented a client to obtain further information, when needed. I have also had clients obtain their own records via their own submission of a FOIA and present that for my review. Given the nature that an individual can obtain their own record, it would be extremely pervasive for someone to have personally identifiable information such as my birthdate. There is no relevant requirement for this. If an interview is conducted, for example, I am already able to present a photo identification with my bar card. If the interviewer wishes, they can look at my bar profile, which also contains my photograph.</p> <p>What is next? My personal address? My social security number?.... This is extremely absurd and I have no idea why adding an attorney's date of birth makes sense for adequate representation.</p>	USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.
Comment #: 154 Author: Angelo Paparelli	<a href="#">0292</a>	<p>From <u>attachment</u>:</p> <p>Dear Chief Deshommes,</p> <p>I write to offer comments on the proposed revision of USCIS Form G-28. I write as a private citizen and not on behalf of any person or entity. By way of introduction, I have practiced U.S. immigration and nationality law since 1978, and am certified as a specialist in the field by the State Bar of California Board of Legal Specialization. I am admitted to practice law in the states of California, New York and Michigan, and in the District of Columbia. In addition, I have maintained a blog on America's dysfunctional immigration system (<a href="http://www.nationofimmigrants.com">www.nationofimmigrants.com</a>). The purpose of the blog and my advocacy activities is "to offer constructive solutions that will enable the U.S. to maintain and enhance its economic prosperity, political freedoms and cultural and religious heritage as a Nation of Immigrants."</p> <p>USCIS is to be commended for the stated purpose of revising Form G-28, namely, to allow for limited interaction with the agency by a paralegal under the direction and control of a licensed attorney. This interaction would be for the limited purpose of rescheduling client appointments and communicating through the USCIS customer service channels on case status and urgent immigration benefits requests requiring an InfoPass. This change is welcome because it will likely result in reduced legal fees for immigration petitioners and applicants given that the fees charged for paralegal support services are typically less than</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney's date of birth.</p> <p>There is no consistent definition of paralegal, but paralegal is a term that is generally understood to be an employee with more skill and experience than an "employee or volunteer." Otherwise, the employee named could be a temporary employee, or a summer employee, for example, who does not understand the limitations. USCIS will not require evidence or validation of the named paralegal's education or qualifications, but our intent is to encourage the attorney to designate someone of reasonable skill, understanding, and training.</p> <p>USCIS will be required to monitor if the paralegal who contacts us is the person authorized on the G-28. Validating more than one paralegal as authorized for all benefit request is overly burdensome to administer for this implementation.</p>

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	<p>for lawyers, whether billed on a project-based or hourly basis. The change would also allow the supervising attorney to devote more time to professional services, e.g., preparation of cases that better demonstrate eligibility for the immigration benefit sought, appearances at USCIS interviews, and the imparting of advice and counsel to their clients are expected to comply with the “significant complexities involved in enforcing federal immigration law.” Arizona v. US, 567 US 387 (2012). Although I support the proposed change in principle, I offer the following additional observations, comments and recommendations:</p> <ol style="list-style-type: none"><li>1. Substitute the more generic term “paraprofessional” in place of “paralegal.” The word “paralegal” is a statutorily defined term in some states, e.g., California. It is also the subject of credentialing by educational institutions that typically provide instruction in a wide array of legal disciplines within their course material, but whose course offerings often include scant instruction on the duties of a paraprofessional who supports the delivery of U.S. immigration legal services. Moreover, in modern legal practice there are often a wide array of personnel with position titles other than paralegal that nevertheless facilitate the delivery of U.S. immigration legal services acting under the direction of licensed attorneys. USCIS should therefore allow attorneys to designate paraprofessionals under supervision who may undertake limited interaction with the agency.</li><li>2. Allow for multiple paraprofessionals to be designated by a supervising attorney on Form G-28. The proposed form would allow only a single paralegal to be designated. This creates unnecessary work for the attorneys and your agency because it does not account for the everyday fact of life that people are absent from work, whether on vacation, sick or maternity/paternity leaves, or other proper reasons for absence. USCIS should not create a system where the happenstance of a paraprofessional’s absence requires the preparation and submission of a new G-28 and the updating of the agency’s records to account for this substitution.</li><li>3. Allow for multiple attorneys in the same firm to be designated on the same G-28 in Part 2, Item 3 as associated with the primary attorney named on the form. USCIS allows other attorneys to file the G-28 and declare an association with the attorney of record who previously filed the form, and to declare that the attorney’s appearance is for “a limited purpose [that] is at his or her request.” For the sake of efficiency, and in recognition that teams of lawyers at the same firm may work on the same client’s immigration matters, USCIS should allow a single G-28 submission to designate the primary attorney of record and multiple associated attorneys who may make a limited appearance in that client’s immigration matter.</li><li>4. Delete the proposed inclusion of the attorney’s date of birth as a required data field on Form G-28. USCIS has never required an attorney to list one’s date of birth (DOB) on Form G-28, and the agency has offered to rationale whatsoever (let alone a convincing</li></ol>	<p>Thus, we decline the suggestion to add more than one paralegal per G-28.</p> <p>Only one attorney is allowed per G-28. DHS appreciates the suggestion, but an immigration practitioner registry exceeds what we can do through a form revision under the Paperwork Reduction Act.</p> <p>The State Department is a different cabinet agency from DHS. Form G-28 is a DHS form, and DHS has no authority to govern DOS. This suggestion should be presented to DOS.</p> <p>USCIS already permits some limited scope representation, such as to attend an interview with an applicant who the attorney has otherwise not been representing on their benefit request. Further clarification of limited scope attorney-client relationships is beyond the scope of the proposed G-28 revision and would also require a regulatory change/changes.</p>
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	<p>argument) for this radical new requirement. In the current era, where nation states and federal and state governments take great pains through legislation to protect the sanctity of an individual’s personally identifiable information (PII), this USCIS required-DOB data field serves as an invitation for any disgruntled or malevolently inclined client to “dox” (“publish the private personal information of (another person) or reveal the identity of (an online poster) without the consent of that individual”)<sup>1</sup></p> <p>the lawyer or engage in identity theft by the unauthorized use of a lawyer’s PII.</p> <p>5. Create a centralized online repository for USCIS to associate lawyers and paraprofessionals as “of record” in a particular immigration benefits request. USCIS has edited the instructions to Form G-28 to require notice of withdrawal of legal</p> <p>1 Source: Definition of “dox,” Dictionary.com, accessible at: <a href="https://www.dictionary.com/browse/dox">https://www.dictionary.com/browse/dox</a> (last visited on 9/25/2023).</p> <p>representation at the address listed on the latest receipt notice issued by the agency. This proposed change is wholly unworkable because USCIS often issues “transfer notices” to inform a petitioner or applicant that a particular benefits request has been relocated to a different USCIS office; yet these notices often do not timely arrive or they are contradicted by online USCIS.gov case notifications. Instead, USCIS should establish a “single source of truth,” i.e., a centralized USCIS for the online submission of G-28 forms and notices of attorney withdrawal of representation. This change would benefit both the agency and the stakeholder community. If adopted, there would no longer be doubt as to the identity of the attorney of record.</p> <p>6. Add the Department of State as a specific check-the-box option in Part 3 of Form G28. USCIS presently allows the selection of three component agencies within the Department of Homeland Security in response to the statement “[t]his appearance relates to immigration matters before (select only one box) [bolding in original].” The three agencies are USCIS, CBP and ICE. By adding the Department of State (DOS) as a check the-box alternative agency, Form G-28, as revised, would allow for appearances before the DOS consulates and embassies worldwide, the Kentucky Consular Center and the National Visa Center (NVC). See 9 FAM 601.7-3(c)(2)(a)(“Correspondence with Representatives of Record, Attorneys”). USCIS should also change Part 3, Item 4 to indicate "Receipt or Case Number (if any)," so that a DOS case number may be inserted, as for example, the data is requested and the attorney of record may be noted. See DOS Public Inquiry Form,</p>	
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	<p>accessible at: <a href="https://travel.state.gov/content/travel/en/us-visas/visa-informationresources/ask-nvc.html">https://travel.state.gov/content/travel/en/us-visas/visa-informationresources/ask-nvc.html</a> (last visited on September 25, 2023).</p> <p>7. Modify Form G-28 to allow limited scope representation and limited appearances of counsel in selected immigration benefits requests. At present, USCIS’s regulations allow only a petitioner or an applicant to file a particular immigration benefits request on an agency-prescribed form. See instructions and associated regulations governing Forms I-539 and I-485 (allowing only applicants to file these forms; compare Forms I-129 and I-140 (which may only be filed a sponsoring employer, except in the case of an EB-1 personal of extraordinary ability or EB-2 national interest waiver). Often, however, USCIS adjudicators and forms instructions require the submission of information and documents in the possession or control of a third party, i.e., a person or entity with a clear economic interest in the outcome of an adjudication.</p> <p>Examples include (1) an EB-5 regional center, new commercial enterprise, or job creating entity whose investment or job-creation data is sought in support of an I-526 petition or an I-829 petition filed by a noncitizen investor; (2) an employer that sponsored an approved immigrant visa petition on Form I-140 for an adjustment of status (AOS) applicant where the petitioner’s ability to pay the required wage must be established from the inception of the immigrant visa priority date through to the adjudication of the adjustment of status application; (3) an AOS applicant who must submit Form I-485 Supplement J to establish entitlement to job flexibility benefits in the transition to a new employer in the same or a similar occupational classification as that noted in the former sponsoring employer’s approved I-140 petition; and (4) an applicant for change or extension of nonimmigrant status submitted on Form I-529 by the dependent spouse or children of a noncitizen with work-visa status whose employer must assure that the family members are allowed to remain living in the U.S. with the noncitizen employee (who otherwise might be required to resign from the U.S. job and depart from America with the family).</p> <p>USCIS should therefore modify Form G-28 to allow parties with a tangible economic interest in the outcome of an agency adjudication to submit information and documents under their possession or control to the agency as long as (A) the petitioner or applicant consents on Form G-28 to the submission of such third-party data or documents, and (B) authorizes USCIS to communicate with both the attorney of record and the attorney submitting notice of a limited scope representation or a limited appearance. With such consent, USCIS would then be authorized and required to communicate through legal counsel engaged in a limited scope representation or who has entered a limited appearance.</p> <p>This change would recognize and formalize USCIS’s existing allowance of limited scope representation (see discussion under Comment 3. above). It would also allow the non-filing third party with a clear economic interest in the outcome of an adjudication to maintain control over information in its possession or control. Further, it would provide an assurance to USCIS that the third party owning or controlling the information or</p>	
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		<p>documentation requested or required vouches for its accuracy and authenticity. Thus, the allowance of limited scope representation and limited appearances of counsel would serve to minimize instances of fraud and assure the public and the agency that only deserving noncitizens are granted the requested immigration benefits.</p> <p>* * *</p> <p>As stated, USCIS should be applauded for its proposed modification of Form G-28; but the agency would better fulfill its stated Mission and Core Values (accessible at: <a href="https://www.uscis.gov/about-us/mission-and-core-values">https://www.uscis.gov/about-us/mission-and-core-values</a> [last visited on September 25, 2023]) by upholding “America’s promise as a nation of welcome and possibility with fairness, integrity, and respect for all we serve (emphasis added).”</p>	
<p>Comment #: 155 Author: Immigrant Legal Defense</p>	<p><a href="#">0278</a></p>	<p>From <u>attachment</u>:</p> <p>Dear Ms. Deshommnes,</p> <p>On behalf of Immigrant Legal Defense (ILD), a nonprofit immigration legal services organization, please find our comments to the Agency Information Collection published in July 27, 2023 regarding proposed revisions to the Form G-28. ILD is a 501(c)(3) nonprofit agency based in Oakland, California that is dedicated to providing immigration legal services. ILD’s mission is to promote justice through the provision of legal representation to underserved immigrant communities. In 2022 ILD provided legal services to over 2500 individuals.</p> <p>I. Introduction</p> <p>We applaud many portions of the Agency Information Collection<sup>1</sup> and commend the Service for taking these actions in an effort to broaden access to USCIS customer service resources. The Service specifically requested feedback on whether the proposed changes should remain limited to paralegals. ILD asserts that the limitation is appropriate. Immigration matters are incredibly complex, and while other staff members in an attorney’s office, such as receptionists or accounting staff, may also interact with clients, they typically will not be directly involved in Agency Information Collection Activities; Revision of a Currently Approved Collection: Notice of Entry of Appearance as Attorney or Accredited Representative, 88 Fed. Reg. 48489 (July 27, 2023).</p> <p>IMMIGRANT LEGAL DEFENSE IMMIGRANT LEGAL DEFENSE MAILING ADDRESS · 1301 CLAY STREET · #70010 · OAKLAND CA 94612 info@ild.org · www.ild.org</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p> <p>In response to public comments, USCIS updated the form instructions for Form G-28 to expand the limited interactions a designated paralegal is permitted to have with USCIS. A designated paralegal will generally be permitted to inquire about case status, request correspondence or notices, inquire about documents or cards that may need to be replaced, request appointment accommodations, schedule or reschedule appointments, and request a change of address. The authorities USCIS is permitting to be exercised by paralegals, while still limited, are as interested stakeholders have generally requested. Any further expansion beyond these limited interactions would require a change to regulations and not just a form change. Thus, we decline to further expand the interactions/responsibilities beyond those listed above.</p> <p>USCIS plans to release functionality that will allow paralegals to complete forms via an online account soon. This functionality is reflected in the</p>

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	<p>2 involved in the client’s case. By limiting the proposed designation to paralegals, the Service and attorney can better ensure that the person contacting USCIS will have sufficient training and experience to competently assist the attorney in obtaining the necessary information.</p> <p>The Service also proposes to allow an attorney to designate a paralegal who can 1) schedule or reschedule appointments, 2) request correspondence or notices, or 3) request case status information. We commend the Service for considering this type of interaction with an attorney’s staff as paralegals are an integral part of zealous and competent legal representation.</p> <p>We believe, however, that the proposal does not go far enough in permitting paralegal assistance and encourage the Service to consider additional permissions for paralegals. We also have concerns that the proposal to request an attorney’s date of birth will create unnecessary risk and confusion for all parties involved and should be withdrawn.</p> <p>II. A paralegal’s access should be greater than what is proposed under the Agency Information Collection</p> <p>USCIS currently provides two types of online access accounts: one for applicants, and one for legal representatives. We suggest that the Service create a third type of access account for designated paralegals. What ILD envisions is that a designated paralegal account type would be linked to the attorney of record’s account and would allow a paralegal to complete application forms on behalf of a client and transfer them to the attorney of record’s account to review, share with the client, sign, and submit. Designated paralegal accounts would not be permitted to collect signatures, to transfer application forms to applicant accounts, or to submit applications. Instead they would simply allow designated paralegals to prepare forms and then transfer them to an attorney’s account. Creating such an account type would better reflect the reality of many law practices in that paralegals, rather than attorneys, often are the ones that prepare application forms. The current online access accounts provide no role for paralegals, even though USCIS forms clearly anticipate that one individual (such as a paralegal) could be the preparer of the form while a different person could enter the G-28 as the applicant’s legal representative. Giving a designated paralegal a specific online access type would simply reflect the reality of current USCIS and legal practice.</p> <p>Additionally, the current placement of the paralegal designation on the proposed Form G28 is quite awkward. The paralegal designation section is in page 2, part 3 of the proposed Form G-28, however the paralegal designation only applies to USCIS and not to ICE or CBP, even though those agencies use the same form. ILD suggests that the paralegal designation section be moved to an optional page 5 or page 6 that clearly states it only applies to G-28s filed with</p> <p>USCIS. Under this scenario, when a G-28 is submitted to ICE or CBP, no paralegal information</p> <p>IMMIGRANT LEGAL DEFENSE</p>	<p>online account documents associated with this Information Collection Notice.</p> <p>The G-28 is a DHS form designed for DHS purposes. Suggestions for notices of appearances for other agencies should be submitted to those stakeholders.</p>
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	<p>IMMIGRANT LEGAL DEFENSE MAILING ADDRESS · 1301 CLAY STREET · #70010 · OAKLAND CA 94612 info@ild.org · www.ild.org</p> <p>3 would need to be included thus making the representation clearer for all parties involved. If a G28 is to be submitted with the Service, the attorney would simply include the optional page 5 or 6 in order to designate a paralegal.</p> <p>III. An attorney’s date of birth is irrelevant to the Form G-28 and the question should be stricken from the form</p> <p>Inexplicably, the Agency Information Collection adds a new, inappropriate, and unnecessary question to the Form G-28: the attorney’s date of birth. The Service has provided absolutely no explanation as to why this piece of information would be required on the Form G28, and there is no other USCIS form that currently requires this information. If this information is required to permit the Service to distinguish attorneys with similar sounding names, it is unnecessary. The Service has plenty of ways to distinguish attorneys from each other, such as the attorney’s name, address, email address, bar number, and USCIS online account number. There is no need for USCIS to request that an attorney’s date of birth be included on Form G-28 as well.</p> <p>Requesting the attorney’s date of birth creates unnecessary risk for the attorney and permits clients to obtain personal and private information about their attorney. Attorneys maintain malpractice insurance and face complaints from clients when accused of ineffective assistance of counsel.<sup>2</sup> Disgruntled clients have at times harassed their attorneys leading to criminal charges against clients. <sup>3</sup> The American Bar Association provides guidance to attorneys on how to address threats by clients.<sup>4</sup> For attorneys, maintaining a clear line between professional information (such as office address and business contact information) and personal information (such as date of birth, home address, and personal contact information) is critical for their protection and privacy and that of their family. Identity theft can occur simply with an individual’s name and date of birth.<sup>5</sup> An attorney is not a party to their client’s proceeding, and yet by requiring an attorney to disclose their date of birth, the Service forces them to reveal</p> <p><sup>2</sup> See Matter of Lozada, 19 I&amp;N Dec. 637 (BIA 1988). <sup>3</sup> See, e.g., Chris Dickerson, Attorney seeking House seat says disgruntled former client is harassing her and campaign, West Virginia Record, Nov. 1, 2022, <a href="https://wvrecord.com/stories/634549020-attorney-seeking-houseseat-says-disgruntled-former-client-is-harassing-her-and-campaign">https://wvrecord.com/stories/634549020-attorney-seeking-houseseat-says-disgruntled-former-client-is-harassing-her-and-campaign</a>; <sup>4</sup> American Bar Association, What to do when your client threatens you, July 26, 2022, <a href="https://www.americanbar.org/groups/gpsolo/publications/gpsolo_ereport/2022/july-2022/what-do-when-your-clientthreatens-hurt-you/">https://www.americanbar.org/groups/gpsolo/publications/gpsolo_ereport/2022/july-2022/what-do-when-your-clientthreatens-hurt-you/</a>. <sup>5</sup> Information Commissioner’s Office, Identity Theft, <a href="https://ico.org.uk/for-the-public/identity-theft/">https://ico.org.uk/for-the-public/identity-theft/</a> (last visited</p>	
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	<p>Sept. 21, 2023). IMMIGRANT LEGAL DEFENSE IMMIGRANT LEGAL DEFENSE MAILING ADDRESS · 1301 CLAY STREET · #70010 · OAKLAND CA 94612 info@ild.org · www.ild.org 4 personal information that should only be required to be provided by actual parties to the legal matter. Requiring this information on a Form G-28 would make it accessible to clients and the general public. An attorney’s files are generally considered the property of the client, and must be provided to the client upon the client’s request.<sup>6</sup> Although not every document contained in a attorney’s case file must be provided to a client, such as attorney’s notes or internal memoranda, a document like the Form G-28, which is signed by the client and contains the client’s personal information, must be provided to the client. Doing so with the proposed Form G-28 would force the attorney to share their personal information with the client, against the attorney’s will.</p> <p>Dates of birth are generally considered personally identifying information that should be safeguarded. Dates of birth of third parties are protected from disclosure under both the Freedom of Immigration Act and the Privacy Act; thus, if a client files a Freedom of Information Act request seeking files that are subject to disclosure under the Freedom of Information Act, they would obtain Form G-28 with the attorney’s information. While the date of birth should be redacted, based on ILD’s extensive experience with FOIA requests and responses, we know that redactions are conducted by humans, and thus subject to human error; redactions in the Service’s FOIA responses are not always accurate. The risk that a client would obtain an attorney’s date of birth through a FOIA request is quite high. Similarly, immigration matters are increasingly the subject of federal litigation.</p> <p>Immigration matters may be the subject of a petition for review in a federal appeals court, or the subject of district court litigation through habeas, mandamus, claims under Administrative Procedures Act, or a whole host of other statutes and litigation vehicles. When an action by an administrative agency is the subject of litigation, often the agency is ordered to produce the “administrative record” which is usually the agency’s file of that particular issue or individual.</p> <p>Under Federal Rule of Civil Procedure 5.2, dates of birth are required to be redacted unless they are a part of the “record of an administrative agency or proceeding” in which case they are exempt from redaction.<sup>7</sup> Therefore, when an “administrative record” is filed in a federal litigation or appellate case, it will not be redacted. Although immigration matters are generally protected from access through online databases and PACER, any individual could visit a</p>	
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		<p>6 American Bar Association, Formal Opinion 471: Ethical obligations of lawyer to surrender papers and property to which former client is entitled, July 1, 2015, <a href="https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/aba_formal_opinion_471.pdf">https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/aba_formal_opinion_471.pdf</a>. 7 FED. RULE CIV. PRO. 5.2(b)(2); see also FED. RULE APP. PRO. 25(a)(5).  IMMIGRANT LEGAL DEFENSE  IMMIGRANT LEGAL DEFENSE  MAILING ADDRESS · 1301 CLAY STREET · #70010 · OAKLAND CA 94612  info@ild.org · www.ild.org  5  courthouse and access the entire administrative record directly from the courthouse.<sup>8</sup> This means any individual could obtain the attorney’s date of birth by reviewing the court’s docket and file at the courthouse, even though the attorney is not a party to the proceedings. Such expansive access to an attorney’s personal information is a significant violation of privacy.  We urge the Service to remove the date of birth of the attorney question from the proposed Form G-28 because the Service cannot protect or maintain the privacy and confidentiality of that critical information. Identity theft only requires a name and date of birth, and given that the attorney is not a party to the proceeding, requiring disclosure of the date of birth makes the attorney unnecessarily susceptible to identity theft. The attorney’s date of birth is not relevant to the purpose of the Form G-28 or the client’s underlying immigration benefit application and should not be requested.  IV. Conclusion  We urge the Service to carefully consider these comments and revise the proposed Form G-28 accordingly to ensure that the final form protects privacy and confidentiality, yet reflects the current nature of how most law offices function. Should you have any questions or would like to discuss these comments, we can be reached at manoj@ild.org or at 510-906-1140.</p>	
<p>Comment #: 156  Author: RAICES</p>	<p><a href="#">0277</a></p>	<p>From <u>attachment</u>:</p> <p>Dear Ms. Deshommes:  Refugee and Immigrant Center for Education and Legal Services (RAICES) submits this comment in response to the DHS Notice of Proposed Rulemaking, Agency Information Collection Activities; Revision of a Currently Approved Collection: Notice of Entry of Appearance as Attorney or Accredited Representative, recently published in the Federal Register.  88 FR 48489 (July 27, 2023) (Proposed Rule).  The Proposed Rule would allow an attorney or accredited representative to name on the Form-G28 a paralegal under their supervision permitted to communicate with U.S.</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p> <p>Client signatures are required to indicate that the client is allowing USCIS to communicate with their representative. However, while the signature must be handwritten, the form instructions for Form G-28 provide that the signature submitted to USCIS does not need to be the original signed G-</p>

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	<p>Citizenship and Immigration Services (USCIS) in limited circumstances. It also introduces a new requirement that attorneys list their date of birth on the Form-G28. RAICES submits this comment to support the addition of paralegal information to the Form-G28, to oppose the requirement of the attorney’s date of birth, and to encourage the agency to make further common-sense changes to the Form-G28.</p> <p>1. RAICES Has Extensive Experience Representing Impacted Immigrant Populations Before USCIS And Is Qualified To Comment On The Proposed Rule. RAICES is a 501(c)(3) immigrant rights non-profit founded in 1986 and headquartered in San Antonio, Texas. With operations throughout Texas and over 300 staff members, RAICES is the largest legal service provider for low-income immigrants, asylum seekers, and refugees in Texas, and one of the largest nationwide. RAICES provides direct representation to detained and non-detained adults, families, and unaccompanied minors and regularly represents non-citizens with matters before USCIS. It is because of our expertise in this field that RAICES is uniquely positioned to comment on the Department’s Proposed Rule.</p> <p>2. DHS Should Not Require Attorneys to Provide Their Date of Birth on the Form-G28. The existing Form-G28 requires an attorney to provide their full name, business address, daytime telephone number, and bar number and licensing state. An attorney’s bar number is a unique identifier. Each attorney is assigned a distinct bar number by their licensing state. The bar number alone should be sufficient to verify an attorney’s identity. Requiring attorneys to provide additional private identifying information is unnecessary and could lead to unwanted consequences. There seems to be no justified reason for the Department to request this additional information, and the addition is not explained anywhere in the Notice of the Proposed Rule. Updates to the Form-G28 should not create additional, unneeded burdens.</p> <p>3. DHS Should Allow for the Addition of a Paralegal For Form-G28. The Proposed Rule adds to the Form-G28 an option for attorneys to list a paralegal under their supervision, allowing the paralegal to communicate with USCIS in delineated circumstances, such as: to schedule or reschedule appointments; to request correspondence or notices; or to request case status information. The Proposed Rule justifies these changes by saying: USCIS believes that the employee who is provided with the authority to communicate with USCIS on a case should have education, experience and training in regulatory compliance and professional responsibility, and understand the distinction between administrative tasks and independent legal advice. RAICES agrees that the option to add paralegal information to the Form-G28 will be beneficial to both attorneys and their clients. Paralegals are often tasked with administrative client work, such as requesting case status information. This change</p>	<p>28 but can be a photocopied, scanned, or faxed copy of the original signed G-28 with the handwritten, ink signature.</p>
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		<p>recognizes the reality of the role of paralegals in legal work and removes an unneeded barrier to information. The change will allow for attorneys, aided by their specially-trained paralegals, to operate more efficiently and better serve their clients.</p> <p>4. DHS Should Formally Eliminate the Wet-Ink Applicant Signature Requirement For Form-G28.</p> <p>In light of the agency making these modifications to the Form-G28, RAICES asks DHS to make other common-sense changes to the form. RAICES requests that DHS formally eliminate the requirement of the wet-ink applicant signature on the Form-G28 in its updated instructions. This requirement creates an unneeded barrier to legal representation for many clients, and a nearly impossible barrier to legal representation for individuals in Expedited Removal.</p> <p>During the height of the COVID-19 pandemic, USCIS accepted Form-G28s without wet-ink applicant signatures. Despite this working well for all involved parties, USCIS decided to reverse course. USCIS has shown it can accept Form-G28s without wet-ink signatures. In order to address both serious applicant and attorney concerns, it should begin to do so again.</p> <p>a. Requiring a Wet-Ink Applicant signature for Form-G28 Creates an Impossible Barrier to Representation for Asylum Seekers, Particularly Those in Expedited Removal.</p> <p>The Expedited Removal process is conducted, by definition and design, on an expedited timeline.<sup>1</sup> Attorneys are more and more often using remote visitation to make best use of their limited time, especially considering most detention centers are located in geographically remote locations.<sup>2</sup></p> <p>In practice, clients may only meet with their attorney once or twice, remotely, prior to a credible or reasonable fear interview or Immigration Judge review. To properly communicate with USCIS’s Asylum Office, represent individuals in their fear interviews, alert the Asylum Office to needed accommodations, request case status information, and submit Requests for Reconsideration, attorneys need to be flexible and move quickly. Securing a wet-ink applicant signature is overly burdensome in the context of these compressed timeframes. Similar issues will likely present themselves for attorneys representing families in the Family Expedited</p> <p>Removal Management (FERM) program and clients in Asylum Merits Interviews (AMIs), both of which have similarly tight timelines.<sup>3</sup></p> <p>These issues are only further compounded for individuals in Customs and Border Protection (CBP) custody, where credible fear interviews are now taking place. The Expedited Removal timelines in CBP custody are further compressed,<sup>4</sup> making the time-consuming process to collect a wet-ink applicant signature even more preposterous. For</p>	
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	<p>individuals in CBP custody, attorneys must rely entirely on CBP officers to receive an individual request, gather the signature, and fax or email the scanned Form-G28 to the attorney in a timely fashion.</p> <p>RAICES</p> <p>attorneys frequently do not receive the needed signature in time, entirely hampering how we can advocate for the clients that we have agreed to represent.</p> <p>b. The Wet-Ink Applicant Signature Requirement Contradicts the Practices of Other Relevant Departments.</p> <p>USCIS’s wet-ink signature requirement also contradicts the practice of other governmental departments in the same or analogous situations. To support its signature requirement, USCIS has relied upon the confidentiality protections embedded in 8 C.F.R. 208.6.</p> <p>However, Immigration Customs and Enforcement (ICE) has historically accepted G-28 Forms without requiring the applicant’s wet-ink signature. Furthermore, the Executive Office for Immigration Review does not require the signature of the noncitizen to recognize counsel as attorney of record when accepting the Form E-28, Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court.<sup>5</sup></p> <p>c. Attorneys are Already Bound by Professional Ethics Requirements.</p> <p><sup>5</sup> See Form EOIR 28, Notice of Entry of Appearance as Attorney or Immigration Court Representative Before the Immigration Court, <a href="https://www.justice.gov/eoir/file/639746/download">https://www.justice.gov/eoir/file/639746/download</a>.</p> <p><sup>4</sup> See Eileen Sullivan, “Lawyers Say Helping Asylum Seekers in Border Custody Is Nearly Impossible,” NY Times (July 22, 2023), <a href="https://www.nytimes.com/2023/07/22/us/politics/biden-asylum-policies-border.html">https://www.nytimes.com/2023/07/22/us/politics/biden-asylum-policies-border.html</a> (“[Previously] it took an average of 30 days from the time someone was picked up by Border Patrol to a final decision about whether the person would be allowed to apply for asylum. Now, many people are being interviewed in Customs and Border Protection facilities, cutting the time down to an average of 13 days”).</p> <p>This position is justified because attorneys are already bound by their professional ethical obligations and the rules of professional conduct of their licensing body.</p> <p><sup>6</sup> These rules prohibit abusive conduct and disclosure of confidential client information. Should attorneys violate these rules, they can face disciplinary consequences, up to and including disbarment. In addition, should an attorney falsely present they had a client’s consent to sign a Form-G28 on their behalf, they would be committing fraud and open to criminal consequences. There is no need for the Department to impose the wet-ink signature requirement when these protections against attorney’s fraudulently signing Form-G28s without client consent are already in place.</p> <p>CONCLUSION</p>	
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		<p>As a community advocate since 1986 and Department of Justice accredited legal services agency since 1993, RAICES has a long history of providing direct representation to detained and non-detained adults, families, and unaccompanied minors and regularly represents non-citizens with matters before USCIS. It is because of our expertise in this field that RAICES is uniquely positioned to comment on the Department’s Proposed Rule. Based upon our experience, RAICES supports the option to add the information of a paralegal to the Form-G28, thereby removing a barrier to adequate direct service provisions. However, we have serious concerns about the new requirement that attorneys provide their respective date of birth; distinct bar numbers issued by licensing states have proven, and should continue to prove, sufficient as unique identifiers. In addition, we deem the wet-ink applicant signature requirement to be unnecessary and recommend its permanent elimination, as per the procedures adopted by USCIS during the height of the COVID-19 pandemic. It is applied inconsistently and cumbersome for all parties involved, creating needless barriers to client relief.</p>	
<p>Comment #: 157 Author: American Immigration Lawyers Association</p>	<p><a href="#">0280</a></p>	<p>On behalf of the American Immigration Lawyers Association we submit herewith our comment to the Agency Information Collection Activity - Revision of a Currently Approved Collection for Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. OMB Control Number 1615-0105; Docket ID USCIS-2008-003</p> <p>From <u>attachment</u>:</p> <p>September 25, 2023 Samantha L. Deshommes, Chief, Regulatory Coordination Division Office of Policy and Strategy U.S. Citizenship and Immigration Services Department of Homeland Security 5900 Capital Gateway Drive Camp Springs, MD 20746 Submitted via <a href="http://www.regulations.gov">www.regulations.gov</a> Docket ID number USCIS-2008-0037 Re: Comment to Proposed Revision of a Currently Approved Collection: Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative - OMB Control Number 1615-0105 Dear Ms. Deshommes: The American Immigration Lawyers Association (AILA) respectfully submits the</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p> <p>DHS appreciates the suggestion, but an immigration practitioner registry exceeds what we can do through a form revision under the Paperwork Reduction Act.</p> <p>Client signatures are required to indicate that the client is allowing USCIS to communicate with their representative. However, while the signature must be handwritten, the form instructions for Form G-28 provide that the signature submitted to USCIS does not need to be the original signed G-28 but can be a photocopied, scanned, or faxed copy of the original signed G-28 containing the handwritten, ink signature.</p> <p>USCIS already permits some limited scope representation, such as to attend an interview with an applicant who the attorney has otherwise not been representing on their benefit request. Further clarification of limited scope attorney-client relationships is beyond the scope of the proposed</p>

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	<p>following in response to the above-referenced 60-day notice, dated July 27, 2023, requesting comments on the proposed revisions to Form G-28, Notice of Appearance as Attorney or Accredited Representative.<sup>1</sup> Specifically, our comments will provide information relating to: the necessity and practical utility of the information collection; the accuracy of the estimate of the anticipated estimated burden (i.e., the time, effort, and resources used by the respondents to respond); the quality, utility and clarity of the information collected; and the information’s collection’s efforts to minimize the burden on respondents.</p> <p>Established in 1946, AILA is a voluntary bar association of more than 16,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. Our mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, U.S. lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. Our members’ collective expertise and experience makes us particularly well-qualified to offer views that will benefit the public and the government.</p> <p><sup>1</sup> 88 FR 48489 (July 27, 2023). <sup>2</sup> Form G-28 General Comments</p> <p>AILA commends USCIS for proposing to allow for limited customer service contact by the legal staff of an attorney or accredited representative who has filed a Form G-28 in a matter pending before the agency. Such a change will allow practitioners to provide better representation to USCIS stakeholders. While we believe this is a significant positive step, we also believe, as set forth more fully below, that USCIS should use a more appropriate word than “paralegal” in the form because, in the current practice of law, there are a number of responsible professional positions within law firms that do not carry the title “paralegal” but nonetheless have the knowledge, training and experience necessary to be allowed to interact with USCIS in limited ways under attorney supervision.</p> <p>AILA has also consistently recommended that USCIS strive to streamline and simplify USCIS forms, including the length of forms when possible. Recently, we commended USCIS for reducing the length of the new Form N-400 from 20 to 16 pages and for the Form I-9 simplification. In the draft Form G-28, the proposed form is five pages instead of the current four pages, which we attribute to the increased complexity of the form. Furthermore, we appreciate that USCIS has addressed our prior concerns from our Form G-28 comments in 2018 on expanding the space available for addresses in the form and adding the ability in Part 2, Item 1 for an attorney to list additional jurisdictions in which the attorney is eligible to practice law.</p> <p>Form G-28 Changes and the Unauthorized Practice of Immigration Law</p>	<p>G-28 revision and would also require a regulatory change/changes.</p> <p>Only one attorney is allowed per G-28.</p> <p>There is no consistent definition of paralegal, but paralegal is a term that is generally understood to be an employee with more skill and experience than an “employee or volunteer.” Otherwise, the employee named could be a temporary employee, or a summer employee, for example, who does not understand the limitations. USCIS will not require evidence or validation of the named paralegal’s education or qualifications, but our intent is to encourage the attorney to designate someone of reasonable skill, understanding, and training.</p> <p>Please use Part 8. Additional Information for entering international phone numbers.</p> <p>Thank you for the suggestion regarding the additional sentence. The Attorney/Accredited Representative already certifies that they designated a paralegal in Part 3. and by signing the G-28.</p> <p>The State Department is a different cabinet agency from DHS. Form G-28 is a DHS form, and DHS has no authority to govern DOS. These suggestions (Notice of Appearance and Case Number) should be presented to DOS.</p> <p>In response to public comments, USCIS updated the form instructions for Form G-28 to expand the limited interactions a designated paralegal is permitted to have with USCIS. A designated paralegal will generally be permitted to inquire about case status, request correspondence or notices, inquire about documents or cards that may need to be replaced, request appointment</p>
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	<p>AILA remains committed to preventing the unauthorized practice of immigration law. While AILA supports the proposed expansion through Form G-28, of who may contact USCIS on behalf of an attorney, members have raised concerns that certain unscrupulous parties (e.g., notarios and similar consultants and advisors) may find a way to misuse this expansion for their own purposes.</p> <p>In this comment, we propose revisions that will protect against abuse while allowing for a necessary expansion. Specifically, AILA members have expressed concerns about the misuse of attorney information. For example, one member shared the situation of a client using an attorney's information to create USCIS accounts and undertake the unauthorized practice of immigration law through identity theft. While we believe incidents of this nature are isolated, we remain concerned generally about the misuse of attorney information (like the proposed requirement to list the attorney's DOB on Form G-28) that potentially endanger the public.</p> <p>AILA shares USCIS' commitment to combatting the unauthorized practice of law and other scams and encourages USCIS to continue to develop mechanisms to review and determine fraudulent uses of Forms G-28. This includes USCIS's development of a robust online filing platform that incorporates a meaningful understanding of the critical importance of the attorney-client (and accredited representative) relationship. Likewise, AILA remains committed to educating and addressing issues related to the unauthorized practice of law to protect the interests of immigrant stakeholders. As an association, we strive to protect immigrant clients and prevent immigration fraud caused by notarios and other unscrupulous consultants and advisors not authorized by federal law to provide immigration legal 3 services. This commitment not only benefits the public but also benefits our membership, who frequently see clients who have suffered harm through misrepresentation and whose cases (and dreams) they cannot salvage. As such, AILA appreciates this and future efforts by USCIS to better prevent the unauthorized practice of immigration law as well as efforts to enhance USCIS processes to manage and facilitate a proper attorney-client (and accredited representative) relationship.</p> <p>Form G-28 Specific Recommendations</p> <p>AILA proposes the following changes to Form G-28 that we believe will enhance the form's utility:</p> <ol style="list-style-type: none"><li>1. Eliminate the Date of Birth requirement for Attorneys and Accredited Representatives</li></ol> <p>For the first time, USCIS is requiring attorneys to disclose their date of birth ("DOB") on Form G-28. USCIS has offered no justification for this material departure from past versions of the form and we are aware of no material value to the adjudication of petitions and applications of having attorney DOB information on the form. Also, as previously noted, AILA has encouraged USCIS to shorten and simplify its forms and we believe the addition of ultra vires attorney DOB information is a step backwards.</p> <p>AILA infers that the DOB is requested as a means of cross-referencing that data with information found elsewhere in DHS records in order to verify the identity of the lawyer</p>	<p>accommodations, schedule or reschedule appointments, and request a change of address. The authorities USCIS is permitting to be exercised by paralegals, while still limited, are as interested stakeholders have generally requested. Any further expansion beyond these limited interactions would require a change to regulations and not just a form change. Thus, we decline to further expand the interactions/responsibilities beyond those listed above.</p> <p>USCIS already permits some limited scope representation, such as to attend an interview with an applicant who the attorney has otherwise not been representing on their benefit request. Further clarification of limited scope attorney-client relationships is beyond the scope of the proposed G-28 revision and would also require a regulatory change/changes.</p> <p>Thank you for the formatting suggestions, USCIS will continue to review formatting on all data fields and update them when possible.</p> <p>USCIS has removed the word "reject" and updated the instructions to read: "NOTE: USCIS will not recognize any Form G-28 submitted without the required information in Parts 1. through 2."</p> <p>The updates to the Withdrawing a Form G-28 section does not create a new requirement/process. The additional content clarifies the current process.</p>
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	<p>submitting the Form G-28. Regardless of whether this inference is accurate or whether there is another seemingly legitimate justification for requiring this information, we believe that a request for attorney DOB information is not in compliance with the Privacy Act's limitations on the handling of personal information by the federal government.<sup>2</sup> In short, the Privacy Act allows, inter alia, individuals: to determine what records pertaining to them are collected, maintained, used, or disseminated by an agency; to require agencies to procure consent before records pertaining to an individual collected for one purpose could be used for other incompatible purposes; and to require agencies to collect such records only for lawful and authorized purposes and safeguard them appropriately. Exceptions from some of these principles are permitted only for important reasons of public policy. As USCIS has not provided any basis to support a claim to a Privacy Act exception (in fact it has not provided any justification whatsoever), we believe the proposal to collect attorney DOB information may be in violation of law. The fact that the information is mandatory and attorneys who do not consent to disclosure risk having their Forms G-28 not recognized by USCIS is also deeply problematic.<sup>3</sup> AILA also has strong practical objections to the proposed requirement that the lawyer's DOB be disclosed. USCIS should recognize that the client who signs Form G-28 and 2 The Privacy Act of 1974, Pub Law No. 93-579, 88 Stat 1896 (Dec. 31, 1974), codified at 5 U.S.C. § 552a (2018). <sup>3</sup> The request for attorney DOB information is contained in Part 1 of the proposed Form G-28. The instructions to the form expressly indicate that "USCIS will reject any Form G-28 submitted without the required information in Parts 1. through 2." <sup>4</sup> receives a copy of it from the attorney submitting the form will necessarily come into possession of otherwise private personal information about the attorney. While most clients are trustworthy, in the aggregate some clients may be unscrupulous or negligent in the possession or use of the attorney's DOB personal information, or clients may seek to use the information against the lawyer if USCIS were to deny the particular immigration benefits request.</p> <p>When USCIS denies immigration benefits request based on a conclusion that the evidence does not establish eligibility for the benefit sought, it is foreseeable that a noncitizen client's first reaction may be to blame the lawyer. But now if the attorney's DOB personal information has been disclosed to the client, unlike under the status quo, the "aggrieved" client can go beyond established means of recourse. Rather than seek other counsel, file a bar grievance, or pursue claims in tort or contract, an unscrupulous client could share the attorney's DOB personal information without permission through social media (a practice known as "doxing"), and the lawyer may only become aware of it after the impermissible disclosure has occurred.</p> <p>We also note that the attorney's state bar license number must be disclosed on the form, and that number is in most instances readily accessible to USCIS as a means of verifying the identity of the lawyer. In those few states that do not currently provide attorneys with a bar license number, we recommend that USCIS generate a unique attorney identifier</p>	
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	<p>number for purposes of entering a Notice of Appearance on Form G-28.</p> <p>Because less personally intrusive mechanisms for identify verification are available, such as the state bar number option referenced above, AILA urges USCIS to delete the proposed attorney DOB data field from Form G-28. If, USCIS remains committed to collecting attorney DOB personal information for identification purposes, we still suggest removal of attorney DOB personal information from the proposed form and, in the alternative, recommend development of a procedure in which DOB information is submitted on a onetime basis directly to USCIS as part of a secure attorney registration system. This approach, when implemented in conjunction with the online Form G-28 repository portal discussed herein, would provide a secure, streamlined and centralized process for both USCIS and the bar to manage representation before the agency. As mentioned above, we also believe this system would have the added benefit of strengthening protections against the unauthorized practice of U.S. immigration law with the agency.</p> <p>2. Allow for International Phone numbers in all Phone Number, Mobile Phone Number, and Fax Number sections (Part 1, Item 5, 6, and 8; Part 3, Item 3 and 4; Part 5, Item 6 and 7).</p> <p>In AILA's prior comments in 2018 to the Form G-28, we recommended allowing for the entry of foreign numbers including additional space for longer phone numbers, and the addition of a "+" sign to add in the country code. We recognize that this information can be added to Part 8 Additional Information, but it would be helpful if those numbers could be readily entered into Form G-28.</p> <p>3. Allow for typographical symbols in the address field. 5</p> <p>In all sections requesting addresses (Part 1, Item 4, and Part 4, Item 9), we believe USCIS should allow for additional symbols or punctuation marks to be added. At present, it is only possible to add in "numbers, letters, space, and slash." For example, hyphens/dash marks commonly occur in addresses outside of the United States. We recommend that USCIS add additional symbols and punctuation mark options to allow addresses to be accurately and completely entered as close as possible to format used in the respective locations outside the United States. While we recognize that this information can be added to Part 8, of Form G-28, Additional Information, it would be preferable if those symbols could be readily entered into Form G-28 using Adobe Reader as instructed by USCIS, which is not possible in the current version of Form G-28.</p> <p>4. Use of the term "Paraprofessional" AILA believes that the use of the term "paralegal" should not be used in the context of Form G-28 by the agency in a manner that would exclude equivalent nonlawyer employees of the lawyer or law firm who are supervised by the attorney signing the Form G-28 in accordance with state and federal regulations. The term "paralegal" should be referenced more generically as being synonymous with nonlawyer staff who possesses an appropriate</p>	
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	<p>range of education, experience or training to perform the limited administrative functions proposed in this notice. As noted in the Federal Register, the term “paralegal” is not defined by law. In addition, some states (such as California) have established specific educational requirements for persons who hold themselves out as paralegals, but specifically note that:</p> <p>“[t]he terms “paralegal,” “legal assistant,” “attorney assistant,” “freelance paralegal,” “independent paralegal,” and “contract paralegal” are synonymous for purposes of this chapter.” 4 Similarly, O*Net and the Occupational Outlook Handbook treat the occupational titles of “Paralegals and Legal Assistants” (23-2011) as synonymous, with no distinction between the two job titles in terms of either duties or educational/experience credentials required.5 We believe that the appropriate emphasis should be on assuring that the nonlawyer staff member has the education, training or experience necessary to understand the line between the administrative tasks outlined on the proposed Form G-28 (i.e. communicating with customer service channels on behalf of the practitioner’s clients) and the unauthorized practice of law. All attorneys, as defined under 8 CFR §1.2, are already under ethical obligations by state licensing authorities to adequately supervise nonlawyers.6</p> <p>In the interests of more accurately and completely describing the role on Form G-28, we 4 Cal Business and Professions Code Ch. 5.6 ¶6454. Washington State has created a designation of “Limited License Legal Technician” (LLLT), defined as “a person qualified by education, training, and work experience who is authorized to engage in the limited practice of law in approved practice areas of law as specified by this rule and related regulations.” Utah has created a similar Limited Paralegal Technician designation for limited areas of legal transactions. 5</p> <p>See also: <a href="https://nala.org/paralegal-info/">https://nala.org/paralegal-info/</a> The terms legal assistant and paralegal are used interchangeably, much like the terms attorney and lawyer. 6 American Bar Association, Model Rules of Professional Conduct, Model Rule 5.3, Responsibilities Regarding Nonlawyer Assistance. 6 recommend that Form G-28 use the more appropriate, all-encompassing phrase, “paraprofessional.”</p> <p>AILA also requests that practitioners be permitted to designate more than one paraprofessional on Form G-28. This change to the proposed form is necessary in cases where a specific employee of the law firm/organization might be away from work for given periods of time (such as for sick days, vacation time, FMLA leave, religious observance days etc.). In light of the often extremely lengthy processing times for many types of cases, it is impossible for a practitioner to predict when a paraprofessional might be unavailable</p> <p>when proper representation of the client requires communication with the agency. The ability to designate another nonlawyer staff member will better facilitate the proper representation of the practitioners’ clients.</p>	
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	<p>5. Amend Attorney/Accredited Representative Certification</p> <p>In Part 7, the Form G-28 has a certification that specifically references an attorney’s acknowledgment of understanding the regulations related to representation and that the information contained in the form is true and correct under penalty of perjury. However, there is no certification that the named paraprofessional works specifically at the attorney’s direction. AILA believes that the following sentence should be added to the attestation expressly related to the paraprofessional listed in Part 3: If a paraprofessional is listed in Part 3 of this Form G-28, as an attorney or accredited representative, I confirm that the paraprofessional is working under my direct supervision and that any contact made by that paraprofessional with USCIS for limited customer service purposes will be at my direction.</p> <p>This statement would ensure that the attorney understands their obligations in adding a designated paraprofessional for the listed limited interactions with USCIS. Unlike a law student or law graduate, the paraprofessional does not sign the form to certify that the paraprofessional understands the listed limitations in their interaction with USCIS. The language provided above addresses this issue by expressly confirming the supervision of the listed paraprofessional by the attorney or accredited representative.</p> <p>Use of Form G-28 by the Department of State The Department of State (DOS) does not have a specified form related to attorney representation.</p> <p>As such, the Department of State often uses, but does not require, a Form G-28 in matters related to U.S. visas. We note that DOS guidance in the Foreign Affairs Manual indicates the permissive use of a Form G-28 by an attorney as follows:1</p> <p>Correspondence and Evidence of Attorney/Representative Relationship: When a letter is received from an attorney in the United States and you are satisfied that an attorney client relationship exists, correspondence between you and the attorney may be treated with the same courtesy as provided to the visa applicant. Evidence establishing the attorney-client relationship may include: 7</p> <p>(a) (U) Form G-28, Notice of Entry of Appearance as Attorney or Representative, required for practicing before DHS;</p> <p>(b) (U) A printed letterhead stationery showing membership in the legal profession (member of a U.S. State or District of Columbia bar association practicing in the United States) and stating that such an attorney has been retained or employed to represent the applicant; or</p> <p>(c) (U) A letter from the applicant that identifies the attorney or representative with whom the applicant established such relationship.</p> <p>Furthermore, the National Visa Center (NVC) instructions indicate the following related to attorney representation:2</p> <p>What do I need to do to add an attorney to my case?</p> <p>If you wish to hire an attorney, please submit a signed form G-28 Notice of Entry of</p>	
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	<p>Appearance as Attorney or Representative to the National Visa Center (NVC) using our Public Inquiry Form.</p> <p>What do I need to do to withdraw a case?</p> <p>To withdraw a petition, you must submit a signed written statement requesting that the petition be withdrawn and explaining the reason to NVC using our Public Inquiry Form. If an attorney or accredited representative submits the request, a G-28, Notice of Entry of Appearance as Attorney or Representative, must accompany the request.</p> <p>Accordingly, we recommend that USCIS add a specific designation in Part 4 of Form G-28 for the DOS along with a second blank to "List the specific matter in which appearance is entered." We also recommend modifying question 4 to indicate "Receipt or Case Number (if any)." This change will allow addition of an immigrant visa case number assigned by DOS or the DS-160 (Nonimmigrant Visa Application) Application Number in nonimmigrant visa applications.</p> <p>This recommendation reflects current practice before the DOS with respect to the National Visa Center (NVC), Kentucky Consular Center (KCC), and U.S. consular posts (consulates, embassies, etc.) in visa matters handled by DOS and will address the fact that the Form G-28 currently does not have an appropriate method to designate attorney representation in matters before DOS.</p> <p>Form G-28 Instructions</p> <p>As previously referenced, 7 page #4 of the instructions to Form G-28 indicate the following: "NOTE: USCIS will reject any Form G-28 submitted without the required information in Parts 1. through 2." AILA has significant concerns with this language. It is our collective experience that USCIS has not historically provided any communication to an attorney (or accredited representative) if there are any issues leading to the rejection of a Form G28. We believe that the reason the agency acts in this manner is due to 8 CFR § 103.2(b)(19)(i), 7 See note 3 supra. 8 which indicates that USCIS will "only send original notices and documents evidencing lawful status based on the approval of a benefit request directly to the applicant or petitioner if the applicant or petitioner is not represented."</p> <p>AILA believes that creation of a notification procedure, and a prescribed process for communication, with the listed attorney (or accredited representative) and the listed benefit requestor (Petitioner, Applicant, etc.) on rejected Forms G-28 are essential so that an attorney (or accredited representative) may quickly correct the client's Form G-28 if it is not accepted at the time of filing. A centralized processing address for Forms G-28, as discussed elsewhere in this comment, could also assist with this issue as well as ensure that Forms G-28 are properly linked with both the correct benefit request(s) and legal representative. Suggestions to Enhance Form G-28 to Improve Legal Representation and the Practice of Law Although the proposed changes allowing attorney-supervised paraprofessionals to be designated</p>	
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	<p>on Form G-28 for limited interaction with USCIS are welcome, AILA believes that this change to the form provides the agency with an opportunity to make additional beneficial changes to the form and its processes. The changes we propose reflect the modern-day realities of legal practice, the agency’s need to shift caseloads for greater efficiency, the obligations imposed on lawyers under state bar rules governing professional conduct, and the varying ways in which attorneys currently deliver legal services to the agency’s individual and entity stakeholders.</p> <p>AILA notes that the proposed Form G-28 states that an attorney may be suspended from representation before the agency if the lawyer has been suspended from practice by any state bar regulatory authority. Yet the revised form does not address each lawyer’s obligation to comply with rules of professional conduct regulating their continuing authorization to practice law. For example, lawyers are required in some instances, and permitted in other instances, to withdraw from representation of a client.<sup>8</sup></p> <p>This type of disengagement from representation is complicated by the instructions to proposed Form G-28 which state (with new text in Bold):</p> <p><b>An attorney or accredited representative or the applicant, petitioner, requestor, beneficiary or derivative, or respondent may withdraw Form G-28 at any time by submitting written notice of withdrawal, or by submitting a new Form G-28 to the office where the case is pending. The office address is on the most recent notice received regarding your case.</b></p> <p>We believe this change, if adopted, would become practically burdensome and potentially lead to inadvertent and unintentional submission of a withdrawal notice to an incorrect office, particularly in situations in which the notice referenced above is not sent by USCIS in a timely manner. In order to comply with ethical obligations relating to the withdrawal of representation, attorneys should not be required to track the movement of a USCIS file from one service center or field office to another, frequently without timely notice, and monitor every transfer notice or online <sup>8</sup> American Bar Association, Model Rules of Professional Conduct, Rule 1.16 Declining or Terminating Representation. <sup>9</sup></p> <p>USCIS update. In deference to state bar ethics rules, we recommend that USCIS create a centralized repository for the online or paper-based submission of Forms G-28 requesting withdrawal of representation with respect to a pending immigration benefits request. Moreover, clients are entitled to the effective assistance of counsel, and attorney compliance with that entitlement is made more complicated if USCIS retains its current, more fluid process and declines to centralize the process of appearing and withdrawing from representation before the agency. Such a centralized Form G-28 repository would do more than enable effective legal representation; it would facilitate the present-day reality in the legal profession in which lawyers change law firms, or multiple lawyers in the same firm are engaged in the same immigration matter or may work with more than one paraprofessional on the same case.</p>	
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	<p>Lastly, in addition to the centralized Form G-28 filing repository we propose, AILA encourages USCIS to revise Form G-28 so that it would allow multiple attorneys in the same firm to be recognized and designated by clients as alternate legal representatives in the same matter (similar to Part 2, item 3 of the current form) and to submit their bar licensing information and attestations to the agency. In this way, a single Form G-28 would allow a client to designate a principal attorney representative (and alternates), as well as a principal paraprofessional (and alternates).</p> <p><b>Elimination of Mandatory Wet Ink Signature on Form G-28</b></p> <p>We also request that USCIS formally eliminate the requirement of the wet-ink applicant-signature on the Form-G28 in its updated instructions. USCIS Asylum Offices currently require wet-ink signatures, including for detained applicants, which creates an obvious and almost insurmountable barrier to legal representation. This is particularly egregious in time sensitive situations, such as credible fear interviews (CFIs) and all expedited asylum processing programs. This wet-ink signature requirement also compounds the already significant constraints applicants experience in obtaining access to counsel when detained in U.S. Customs and Border Protection (CBP) custody.</p> <p>The current work around of having CBP officers scan Forms G-28 signed by detained applicants is executed inconsistently and is needlessly cumbersome for all involved. To support its signature requirement, USCIS has relied upon the confidentiality protections embedded in 8 CFR 208.6, which applies to both DHS and the EOIR. However, this narrow interpretation of the confidentiality protection is unwarranted, as demonstrated by the fact that USCIS is alone in its requirement of a wet-ink signature of the applicant. For example, Immigration and Customs Enforcement (ICE) has historically accepted Form G-28 without requiring the detained individual’s signature. Additionally, under the 2019 National Detention Standards,<sup>9</sup></p> <p>Form G-28 is not required for legal representatives representing detainees on nonimmigration legal matters or for pre-representational meetings. Similarly, for law students or legal assistants, a letter from the legal representative for whom they are working may also be acceptable. Under other applicable versions of the detention standards, a Form G-28 is also not required for a consultation visit or providing consultation during an Asylum Officer interview or Immigration Judge review of a negative credible fear determination. Furthermore, the EOIR does not require the signature of the noncitizen to recognize counsel as an asylum seeker’s attorney of record when 9 ICE 2019 National Detention Standards, <a href="https://www.ice.gov/detention-standards/2019">https://www.ice.gov/detention-standards/2019</a> 10 accepting the Form E-28, Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court.</p> <p>Accordingly, we request that USCIS modify its policy to align more closely with the more practical approach taken by ICE and EOIR by formally eliminating the requirement of the wet-ink applicant-signature on Form-G28 in its updated instructions.</p> <p><b>Expansion of Limited Scope Representation and Limited Appearances</b></p>	
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	<p>AILA encourages USCIS to consider amending Form G-28 to expressly provide for expansion of limited scope representation and limited appearances of counsel.</p> <p>1. The evolving nature of the practice of immigration law has created a need to have a broader capability to structure the scope of representation.</p> <p>We propose this change because, as the modern practice of law has become more complex, the traditional system of single attorney representation in a matter has become increasingly impractical. All too frequently, one party, a petitioner or applicant, is asked by a USCIS case adjudicator for relevant information that is held or controlled exclusively by another person or entity. Examples include:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> An employment-based adjustment of status applicant who carries the burden of proving that their Form I-140 petitioner-employer has had, and continues to have, the ability to pay the wage offered from the date the priority date is secured up until the I485 is adjudicated.<sup>10</sup></li><li><input type="checkbox"/> An EB-5 conditional permanent resident who must demonstrate, when applying to remove conditions on permanent resident status on Form I-829, that the required capital investment was made and sustained, that the requisite 10 full time jobs were created as a result, and if invested capital was redeployed, that the redeployment satisfied USCIS’s redeployment standards.<sup>11</sup></li><li><input type="checkbox"/> An H-1B beneficiary included in a Form I-129 petition requesting a change or extension of status or change of authorized employer who must obtain employer controlled documentation to demonstrate continuous maintenance of nonimmigrant status since last admission to the U.S. or who must show that a USCIS-asserted ground of inadmissibility does not apply.</li><li><input type="checkbox"/> A corporate employer of a noncitizen in work visa status with a legitimate concern in the outcome of the workers’ family members’ applications for extension or change of status, as the employer may be damaged by loss of the employee’s services if their Form I-539 is denied.</li></ul> <p><sup>10</sup> See 8 CFR § 204.5(g)(2) (“The petitioner must demonstrate [the] ability [to pay the proffered wage] at the time the priority date is established and continuing until the beneficiary obtains lawful permanent residence”) (emphasis added).</p> <p><sup>11</sup> See USCIS Policy Manual, Vol. 6, Part G, Ch. 5, § A (Evidence of Investment and Sustainment) and § B (Evidence of Job Creation), listing evidence required to be maintained by the Regional Center, the new commercial enterprise or the job-creating entity pursuant to the more stringent requirements set forth in the EB-5 Reform and Integrity Act of 2022, such as audited financial statements, federal or state tax returns, or other probative evidence which may contain confidential commercial information or legally privileged data or documents. <sup>11</sup></p>	
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	<p><input type="checkbox"/> The guardian of a child’s interest or an estranged spouse in a derivate employment based immigration matter involving the principal applicant where derivative benefits do not legally require cohabitation with the principal, e.g., the derivative beneficiary of an E-1, E-2, E-3, L-1, H-1B, or other nonimmigrant visa category, or an employment-based derivative adjustment of status applicant.</p> <p><input type="checkbox"/> A university’s designated school official whose entries into the SEVIS database are called into question in connection with an F-1 student’s request for reinstatement.<sup>12</sup></p> <p><input type="checkbox"/> The recipient of a subpoena “requiring the attendance of witnesses or the production of documentary evidence, or both” in connection with immigration benefits requests not involving naturalization as provided in 8 CFR § 287.4(a)(2)(i).</p> <p><input type="checkbox"/> A Form I-864 sponsor who is legally bound by contract to fulfill the financial commitments inherent in the affidavit of support in cases where the sponsor’s financial condition and ability are challenged by the USCIS adjudicator.</p> <p>Because this change may require a significant alteration of USCIS internal protocols, we propose the creation of a “limited appearance pilot program” covering only the immigration benefits requests described in the bulleted paragraphs above in order to assess the feasibility of enabling limited scope/limited appearance representation more generally.</p> <p>We request the implementation of such a pilot program because in each of the foregoing examples, USCIS may legitimately request or require documents and information in the possession or control of a person or entity who is not a petitioner, applicant or beneficiary requesting an immigration benefit and that person or entity may want their own counsel. While the petitioner or applicant will retain primary responsibility for satisfying the burden of proof in a particular matter, another party not directly involved in the matter may possess documentation or information critical to adjudication. Each of the case examples listed above would make a suitable scenario for the institution of a pilot program which would permit limited scope representation or a limited appearance of counsel as long as the petitioner or applicant grants consent. The proposed pilot program would allow USCIS to study the impact of a limited entry of appearance in a benefits request by counsel representing a party other than the particular petitioner or applicant. It would also allow the agency to develop protocols for communicating with counsel in limited scope/appearance scenarios with respect to the specific purpose of the limited representation.</p> <p>It should be noted that USCIS already recognizes various forms of limited scope representation. The agency permits a lawyer or accredited representative to check Part 2, Item 3 of Form G-28 and affirm that he or she is “associated with . . . [insert name], the attorney or accredited representative who previously filed Form G-28 in this case, indicating “my appearance as an attorney or accredited representative for a limited purpose is at his or her request.” (Emphasis added.) The agency also allows limited scope</p>	
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		<p>representation in the Preparer’s Statement (Part 12, Item 7.a. and 7.b. of Form I-485) which invites the attorney or accredited representative to describe his or her role as merely the 12 See 8 CFR § 214.2(f)(16). 12 preparer of the form or whose representation “extends” or “does not extend beyond the preparation of this application.”<sup>13</sup> While limited scope representation is impliedly permitted in the examples above, limited appearances by counsel for a person or entity with a tangible, articulable legal interest in the outcome of the adjudication is not expressly contemplated in agency regulations.<sup>14</sup></p> <p>AILA believes that the express allowance of limited appearances and limited scope representation under the proposed pilot program would, by creating additional scenarios in which limited legal representation would be available, facilitate the proper and prompt adjudication of immigration benefits requests by USCIS and likely aid the agency in more quickly reducing its processing backlogs. We also believe that limited scope representation would benefit USCIS and the stakeholder community as attorneys generally provide well documented cases based on the facts and law – bona fide benefits requests that can be more easily adjudicated, thereby reducing both backlogs and the volume of requests for expedited adjudication, while also leading to fairer and more just adjudications.</p> <p>Accordingly, AILA proposes that Form G-28 be revised to allow limited appearances and limited scope legal representation by counsel in a selected category of cases, described above, on a pilot basis. 2. Amendments to Form G-28 to Expand Limited Scope Representation and Limited Scope Appearances.</p> <p>For USCIS to enable the proposed pilot program, only modest changes to Form G-28 would be necessary. An additional box on Form G-28 would allow the attorney to designate the limitations on the scope of representation as a limited appearance and briefly describe it; and the petitioner or beneficiary would need to consent to the designated scope of representation and appearance, and the release of relevant communications to counsel who would be permitted to represent the petitioner or the applicant, or the person or entity with a tangible, articulable legal interest in the outcome of the adjudication, or all parties as appropriate and in accordance with applicable state bar rules.</p> <p>In addition, we propose that the following specific changes be made to the Form G-28 instructions with respect to limited scope representation and limited appearances:</p> <p>13 The Executive Office for Immigration Review likewise permits limited scope representation in matters pending before immigration judges in removal proceedings. See 8 CFR § 1003.17(b) which permits the entry of “a limited appearance for document assistance . . .” 14 Please note that, in proposing a pilot program allowing limited scope representation and limited appearances, AILA does not propose any deviation from existing regulations concerning the person or entity that must file applications or petitions requesting immigration benefits. Rather, AILA proposes that as long as a petitioner or applicant, in compliance with the cited provisions, files a petition or</p>	
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	<p>application, an attorney should be allowed under the pilot program to submit, either concurrently or subsequently, a Form G-28 that would notify USCIS that counsel is engaged in a limited scope representation or is making a limited appearance. 13</p> <p>1. Paragraph 2: “Each Attorney or accredited representative appearing in a case must submit a Form G-28 listing themselves as the sole legal representative or listing themselves as the primary representative with multiple attorneys at the same firm listed as alternate legal representatives in the same matter, as USCIS only recognizes one Form G-28 at a time, with the exception of limited purpose or limited appearance representation.” The addition of this clarifying language incorporates our suggestions contained herein and provides consistency with other language in the form instructions that the primary/original representative remains the representative of record and that notices and communications from DHS will continue to be sent to the that representative.</p> <p>2. Under “Who May Use Form G-28”, the second paragraph discusses situations where an attorney/accredited representative appears in person and must submit Form G-28 in person to a DHS official (Also see page 3, instructions on Item Number 3, saying “You must submit a Form G-28 filed under these circumstances in person at a DHS office.”). AILA suggests removing the requirement that the limited-scope/limited appearance Form G-28 must be submitted in person to a DHS office. Such a change will facilitate remote representation by an attorney or accredited representative, when such representation is permitted by the agency, such as in the context of affirmative asylum and NACARA cases.15</p> <p>Conclusion</p> <p>We believe the proposed changes to Form G-28 by USCIS, along with the recommendations contained in our comments, will facilitate USCIS’ efforts in the fair and just adjudication of benefits requests, and enhance more effective representation of individuals and entities requesting immigration benefits. We appreciate the opportunity to comment on the proposed revisions to Form G-28 and look forward to a continuing dialogue with USCIS on this vitally important matter.</p> <p>Sincerely,</p> <p>THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION 15 The Affirmative Asylum Procedures Manual (pages 38-39 in the 2023 edition) indicates that the USCIS Asylum Division allows representatives of record to participate remotely via telephone in an affirmative asylum or NACARA 203 interview by submitting a Form G-1593, Certification by Attorney or Accredited Representative for Remote Participation in an Affirmative Asylum and/or NACARA 203 Interview, to the interviewing asylum office at least 10 days in advance of the interview.</p>	
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<p>Comment #: 158 Author: The Advocates for Human Rights</p>	<p><a href="#">0289</a></p>	<p>The Advocates for Human Rights urges the Department to remove the requirement that attorneys provide their birth date on the Form G-28. Birth date information, combined with other information available on the G-28, creates concerns under the Privacy Act. The Department has other means of identifying attorneys as Bar License numbers are required to be provided on the G-28, avoiding any possibility of duplication/confusion. Should the Department determine it must include this as a requirement, The Advocates calls on it to provide a justification and explanation as to why other, less invasive means are insufficient.</p> <p>Notwithstanding, welcome the proposed changes that would enable community organizations and others to more efficiently follow-up on client cases but urge the Department to ensure sufficient protections against the unlicensed practice of law (UPL) and notario fraud. Further, if the Department expands to allow paralegals to act as described in the proposal, the Department must take measures to ensure special applicants, such as victims of trafficking and domestic violence, continue to be protected against disclosure of information to unauthorized individuals.</p> <p>From <u>attachment</u>:</p> <p>UNITED STATES OF AMERICA BEFORE THE DEPARTMENT OF HOMELAND SECURITY U.S. CITIZENSHIP AND IMMIGRATION SERVICE Comment on ) Docket No. 2023-15890 Proposed Changes to Form G-28 ) CIS No. USCIS–2008–0037) OMB Control No. 1615–0105 The Advocates for Human Rights welcomes the opportunity to comment on the Department’s proposed changes to the Form G-28, Notice of Entry of Appearance as Attorney or Representative. We welcome the changes that would enable community organizations and others to more efficiently follow-up on client cases but urge the Department to ensure sufficient protections against the unlicensed practice of law (UPL) and notario fraud. Further, if the Department expands to allow paralegals to act as described in the proposal, the Department must take measures to ensure special applicants, such as victims of trafficking and domestic violence, continue to be protected against disclosure of information to unauthorized individuals. Additionally, The Advocates urges the Department to remove the requirement that attorneys provide their birthdates on the Form G-28, or that the Department otherwise make such information optional so as to avoid freezing pro bono interest, impairing the attorney-client relationship, and subjecting applicants to denials and rejections for missing information. The Department has other means of identifying attorneys as Bar License numbers are required to be provided on the G-28, avoiding any possibility of duplication/confusion. Should the Department determine it must include this as a</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p> <p>There is no consistent definition of paralegal, but paralegal is a term that is generally understood to be an employee with more skill and experience than an “employee or volunteer.” Otherwise, the employee named could be a temporary employee, or a summer employee, for example, who does not understand the limitations. USCIS will not require evidence or validation of the named paralegal’s education or qualifications, but our intent is to encourage the attorney to designate someone of reasonable skill, understanding, and training. The attorney signs the Form G-28 attesting the information provided.</p> <p>USCIS also has concerns about unauthorized practice of law and makes efforts to protect the public from it. USCIS currently provides information on Scams, Fraud and Misconduct at <a href="https://www.uscis.gov/scams-fraud-misconduct">https://www.uscis.gov/scams-fraud-misconduct</a>, which includes, but not limited to:</p> <ul style="list-style-type: none"> <li>• Finding Legal Services: <a href="https://www.uscis.gov/scams-fraud-and-misconduct/avoid-scams/find-legal-services">https://www.uscis.gov/scams-fraud-and-misconduct/avoid-scams/find-legal-services</a>List of Currently Disciplined Practitioners: <a href="https://www.justice.gov/eoir/list-of-currently-disciplined-practitioners">https://www.justice.gov/eoir/list-of-currently-disciplined-practitioners</a> (DOJ website of DHS and DOJ jointly disciplined practitioners).</li> </ul> <p>Client signatures are required to indicate that the client is allowing USCIS to communicate with their representative. However, while the signature must be handwritten, the form instructions for</p>
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	<p>requirement, The Advocates calls on it to provide a justification for such an invasion of privacy and why other, less invasive means are insufficient.</p> <p>I. About the Commenter</p> <p>The Advocates for Human Rights is a nonprofit, nongovernmental organization headquartered in Minneapolis, Minnesota. Founded in 1983, The Advocates for Human Rights' mission is to implement international human rights standards to promote civil society and reinforce the rule of law. Holding Special Consultative Status at the United Nations, The Advocates regularly engages UN human rights mechanisms.</p> <p>For forty years, The Advocates for Human Rights has provided free legal representation to asylum seekers, unaccompanied children, victims of human trafficking, and victims of human rights violations in detention. We have provided free legal services for more than 10,000 cases and are one of the only organizations providing such services free of charge in the area. The Advocates also regularly trains and mentors pro bono lawyers, coordinates and presents on immigration topics at conferences in the Upper Midwest, and leads numerous efforts around legal services for migrants.</p> <p>For more than five years, the Advocates for Human Rights has implemented a regional court observer project in the Fort Snelling Immigration Court. Through that project, we have engaged thousands of volunteer hours to observe and note procedures of immigration court. We have published three reports based on findings of due process and human rights violations identified by our observers through this work.</p> <p>The Advocates for Human Rights is a global expert in women's human rights, particularly in the area of domestic violence. We have worked in Central and Eastern Europe, the former Soviet Union, the Caucasus, Central Asia, Mongolia, Morocco, Nepal, Mexico, Haiti, and the United States. At the request of government officials, embassies, and NGOs, we help draft laws that promote the safety of women.</p> <p>II. The Department Must Remove the Proposed Requirement to Provide Attorney Date of Birth</p> <p>The Advocates first expresses our concern with the proposed change to the G-28, which would require attorneys provide their dates of birth. The Advocates notes that birth dates are privacy protected, "personally identifying information" (PII) considered sensitive. The Privacy Act of 1974, as amended at 5 U.S.C. § 552a, mandates federal agencies, such as USCIS, inter alia: collect only information that is relevant and necessary to carry out an agency function; explain why it is needed and how it will be used; and provide adequate safeguards to protect the records from unauthorized access and disclosure. See 5 U.S.C. § 552a(e)(1)-(11). PII is defined as: Any representation of information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means.</p> <p>Further, PII is defined as information: (i) that directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or (ii) by which an agency intends to identify specific individuals in</p>	<p>Form G-28 provide that the signature submitted to USCIS does not need to be the original signed G-28 but can be a photocopied, scanned, or faxed copy of the original sign G-28 containing the handwritten, ink signature.</p> <p>The proposed revision of Form G-28 instructions governs the requirements for submission to DHS. DHS is making no changes to its signature requirements as a result of this comment.</p> <p>In Part 6. Item Number 1.B. the client can consent to the disclosure of records to the paralegal.</p> <p>USCIS considered requiring the paralegal to sign the Form G-28 and determined the Attorney's signature was sufficient.</p> <p>The USCIS will make all related Policy Manual updates for this revision.</p> <p>Thank you for the suggestions regarding the special protections of T, U, SIJs and VAWA applications. With this revision, USCIS will not be changing the policy to allow paralegals to contact USCIS Customer Service channels for updates on T, U, and VAWA benefit requests. USCIS added language to the instructions to clarify that a paralegal may not be able to interact with USCIS customer service channels on behalf of certain protected requestors. USCIS will continue to review its policies on an ongoing basis to determine if changes are needed. As a clarification, SIJs do not have 8 USC 1367 protections and a paralegal can receive updates.</p>
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	<p>conjunction with other data elements, i.e., indirect identification. These data elements may include a combination of date of birth, place of birth, race, religion, geographical indicators, employment information, medical information, education information, or financial information. 5 U.S.C. § 552a(a)(4); See also Akmal v. United States, No. C12-1499, 2014 WL 906231, at *2 (W.D. Wash. Mar. 7, 2014) (finding that “[a]gency employee names, addresses, phone numbers, and dates of birth are ‘records’ covered by the Privacy Act”). Moreover, OMB Guidance indicates that “The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. In performing this assessment, it is important for an agency to recognize that non-PII can become PII whenever additional information is made publicly available - in any medium and from any source - that, when combined with other available information, could be used to identify an individual.” “OMB M-10-23 (Guidance for Agency Use of Third-Party Website and Applications).</p> <p>In this instance, USCIS will be gathering attorney name, employment information in the form of both employer name and address, as well as the attorney’s bar license number, geographical indicator in the form of attorney’s employment address, and, if the proposed rule is finalized, birthdate. Yet, the Agency has provided no justification as to why this combination of information is necessary. Moreover, gathering this amount of PII goes beyond gathering only that which is “relevant and necessary to carry out an agency function.”</p> <p>Therefore, USCIS must proceed carefully in determining whether or not it should be collected and provide a justification if such a change is warranted. The Advocates believes there is no reason for USCIS to require birthdates , and the failure to provide it should certainly not constitute grounds for rejection of the G-28 as proposed in the instructions. The Advocates is concerned that requiring a birthdate to enter appearance as an attorney will freeze willingness to provide counsel, particularly in pro bono matters. The Advocates works with pro bono attorneys from a variety of law firms and backgrounds, most of whom do not practice in front of USCIS on a daily basis. Based on decades of experience trying to encourage pro bono participation, we are deeply concerned that requiring volunteers to provide their birthdate will discourage volunteers from representing people before the Department. Because federal law makes no provision for access to counsel for people who cannot afford to hire attorneys, pro bono lawyers fulfill a crucial role in access to justice for people seeking humanitarian benefits from USCIS. Both the Department and EOIR rely on pro bono attorneys as a key efficiency, and inhibiting pro bono participation, and by extension, access to counsel, will have an impact on the cost and time for USCIS to deliver services as individuals will be unable to find volunteer attorneys willing to submit their birthdate information on G-28s.</p>	
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	<p>Requiring attorney birthdates on the G-28 also threatens the attorney-client relationship. As applicants must sign the G-28, they are entitled to review the entire form before signing. This will mean that the applicant/client will have access to review the attorney birthdate. Providing such privacy-protected information to clients risks harms to the attorney and strain on the attorney-client relationship. Attorneys may not feel comfortable sharing their birthdate with the client for many reasons. Indeed, nothing in the attorney-client relationship requires attorneys to provide such private information to clients.</p> <p>We further note the potential for age-related biases and unconscious bias in adjudicating cases if such information is provided. An USCIS officer will be able to determine the age of the attorney, resulting in an unconscious belief that perhaps a younger attorney is not as capable of pursuing a strong case or that an older attorney may have missed a detail. This exposure may also impinge on the attorney-client relationship if clients believe their attorney's ability is impacted by their age.</p> <p>USCIS has provided no justification for its proposed inclusion of this invasive requirement. The Department has not shown that it has weighed other options or that such collection is necessary for any reason. It has not explained any issue that has arisen that would be alleviated by such a requirement, and even if that was the case, it has not provided proof that there is no less-invasive means of avoiding the issue.</p> <p>Under the current G-28, the Department already has access to the attorney's full name, work address and individualized bar identification number. With such significant, personalized data, there is no risk of misidentification. USCIS also utilizes individualized, online USCIS accounts, which further ensures that cases are associated with the correct attorney. Requiring this additional, personal protected information is, therefore, unnecessary and harmful. USCIS should remove it from the final form or make such optional. Otherwise, the Department must provide a justification showing that it weighed the harms as well as alternative, less invasive options to accomplish a permissible Agency need.</p> <p><b>III. Inclusion of Paralegals on Form G-28</b></p> <p>The Advocates supports the proposed change to allow the attorney or accredited representative to name a paralegal that they supervise to complete certain, limited communications with USCIS customer support. This proposed change serves the goal of increasing access to legal representation, and is a step toward ensuring greater access to culturally-appropriate representation that is particularly crucial to migrant communities. The Advocates supports this expansion so long as it is coupled with adequate protections against the unlicensed practice of law (ULP) and does not define paralegals too narrowly. As a nonprofit legal services provider in a generally underserved region, The Advocates knows that paralegals play a key role in supporting individuals applying for immigration benefits.</p> <p>Paralegals often have the greatest contact with clients due to language and time management, as well as billing. Moreover, as a provider that relies heavily on pro bono</p>	
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	<p>engagement, we also know that the proposed change will ensure limited, crucial pro bono hours can be leveraged for activities that require legal skills and training, allowing paralegals in pro bono firms to engage in pro bono work and assist in contacting customer service. Allowing designated paralegals to contact the USCIS Customer Support line would ensure that applicants can more efficiently obtain information about their cases, provide basic updates to USCIS, request new biometrics or rescheduling, and conduct follow-up that can be time-consuming due to delays and capacity at USCIS. Furthermore, allowing designated paralegals to communicate with USCIS would enhance access to justice and reduce the strain such communication places on nonprofit immigration legal service providers' limited resources and pro bono resources. Nonprofits like ours operate on very limited budgets, with extremely high demands on our staff attorney time.</p> <p>Current rules mean that this limited time must often be devoted to waiting on hold with USCIS' limited customer service lines to answer simple questions or resolve routine inquiries. If the proposed change was adopted, paralegals would be able to contact customer service, wait on hold, and return customer service call-backs with more flexibility of schedule than attorneys. Outside of the nonprofit context, the change would also ensure that individuals have greater, more equitable access to USCIS by allowing paralegals, with lower billable rates, to undertake the many hours spent on hold or following-up with Customer Service for basic, administrative issues on cases.</p> <p>The proposed change also is a step toward expanding more culturally-appropriate representation. Numerous systemic barriers currently inhibit diversity in the legal profession, meaning migrant communities may not be able to find attorneys that come from similar linguistic, cultural or experiential backgrounds—a challenge in accessing true justice. Instead, these individuals may find such access through paralegals and other non-attorney professionals in nonprofits and law firms who can expertly liaise, navigate and explain complex immigration processes and individual applicant experiences between applicants and attorneys. USCIS' proposed expansion is a welcome step in this regard. For this reason, we support the proposed functional description of a "paralegal" as a commonsense, commonly understood definition of the term. Leaving that determination to the discretion of the attorney with guidance on general requirements strikes the right balance. We are particularly supportive of the fact that the proposed, generally accepted but nonbinding definition includes qualifications based on both on education or experience. We would oppose any definition that would require a paralegal to hold a particular degree or other certification as many offices rely on individuals with expansive experience in legal services to provide paralegal functions, while people with other degrees are also competent and well-versed in legal ethics that protect applicants against ULP and ensure client confidentiality.</p>	
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	<p>The Advocates also believes the proposed change will result in more efficiencies and savings for USCIS. At present, USCIS must expend hours contacting individual attorneys for basic, administrative inquiries or updates on cases. When USCIS attempts to call back an attorney, they may be unable to reach them due to attorney time conflicts, such as court appearances and USCIS interviews. Allowing USCIS to speak to the paralegal of record would better ensure such matters can be dealt with instead of playing phone tag. Notwithstanding the above positives of the change, as a member of the legal services community, we are also aware of the importance of preventing the unlicensed practice of law. However, given the limited scope of this proposed change to the G-28: to allow non-attorneys who are supervised by an attorney in the same organization or firm to aid clients in utilizing the customer support tools, The Advocates believes taking a broad definition of paralegals or legal support staff is warranted. We urge USCIS to ensure the below protections against ULP and special considerations regarding vulnerable applicants are included. We also encourage USCIS to ensure the Policy Manual and G-28 instructions are updated to reflect the general definition of a paralegal for purposes of being included in a G-28 for communications with USCIS Customer Service, and USCIS to require the attorney signing the G-28 to attest that the designated paralegal meets the criteria.</p> <p><b>IV. Protections Against Unlicensed Practice of Law</b></p> <p>While we generally support this proposed change, The Advocates urges the Departments to ensure adequate protections to dissuade the unlicensed practice of law (UPL) or exploitation of applicants by non-attorneys. First, USCIS must require that anyone signing a G-28 is either an attorney or is being directly supervised by an attorney working in the same organization or firm named in the G-28. The G-28 should be adequately crafted to ensure paralegals can only be included in G-28s when supervised by a licensed attorney within the same organization or firm rather than allowing a paralegal to be included if they are contracted or supervised by an attorney outside of the firm or organization, as this relationship is too vulnerable to ULP and abuse. This could be accomplished by requiring the attorney license number and a shared address or name of organization on the G-28. Again, we oppose the requirement of an attorney birthdate as it will provide no additional information that relates to the attorney’s qualifications and is unnecessarily invasive. Additionally, USCIS should include a provision for applicants’ review before signing, which attests that they understand and agree to allow a paralegal to act on their behalf for the limited purpose of communicating with USCIS customer service. The G-28 should require that the client give clear approval for the individual paralegal listed to receive personal case information about them. In addition, while we do not encourage additional information that would make the actual G-28 itself longer, we urge USCIS to update the Practice Manual and G-28 Instructions to clarify requirements for paralegals, such as meeting basic and generally-accepted requirements, being supervised by an attorney working in the same firm/organization as the paralegal, and include an attestation on the G-28 that the attorney believes the paralegal meets these requirements.</p>	
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	<p>USCIS might also consider whether both the attorney and paralegal should sign the G-28. However, due to administrative challenges, particularly with remote work, The Advocates believes such a requirement may be too onerous and impede access to counsel rather than preventing ULP. USCIS could begin accepting digital signatures for all G-28s, including for VSC cases, which would make a three-signature requirement more realistic, but perhaps still unnecessary.</p> <p>Finally, USCIS must ensure that adequate resources are dedicated to awareness-raising and investigation/punishment of unauthorized practice of law. DHS should devote some of its enforcement operations funds to this process, ensuring that individuals who exploit noncitizen vulnerabilities and offer legal advice illegally are investigated and stopped. At present, while EOIR maintains a complaint line for violations, we are unaware of the efficacy of such.</p> <p>Individuals, in lieu, are then required to file bar complaints or criminal complaints, but those are limited to specific states, making nationwide or regional harms difficult to stop. DHS should also prevent such issues by providing adequate information on USCIS forms and materials that are frequently accessed by noncitizens applying for benefits. USCIS could consider providing links to immigration attorney finders, such as through AILA and Immigrant Advocates Network. At the very least, USCIS should maintain a list of individuals who have been disciplined under USCIS or EOIR mechanisms for the unlicensed practice of law.</p> <p>V. Ensuring Special Protections for T, U, SIJS and VAWA Applicants</p> <p>The Advocates further urges USCIS to adopt policy and training that will allow paralegals included on G-28s to communicate with Vermont Service Center in the same manner imagined for paralegals calling the customer service line. In doing so, USCIS must also ensure that VSC continues to uphold the privacy protections required as relates to such cases.</p> <p>The Advocates reminds USCIS that privacy rules do not allow VSC cases to access information through the normal USCIS Customer Service Line. For example, a T visa applicant that missed their biometrics appointment can reschedule online only if they do so within 12 hours of the appointment. Then, they must contact VSC because the Customer Service Line cannot access their case. In those instances, an individual or their legal representative must write to VSC rather than calling the USCIS main customer service line. Therefore, The Advocates encourages USCIS to explicitly expand to ensure that paralegals, or individuals with similar training, who are supervised by licensed attorney in the same law firm or organization, may follow-up with USCIS-VSC for case processing information, biometrics services requests, and any other business for which a similarly-situated, non-VSC applicant could conduct with the USCIS Customer Service Line.</p> <p>The Advocates believes this change will ensure more efficient case processing at USCIS in addition to serving the interests of fair and efficient access for applicants. By ensuring</p>	
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	<p>that an attorney is not required to spend hours waiting for the customer service line to resolve minor issues, individuals will not have to pay for attorney time spent on such matters. Likewise, organizations like The Advocates for Human Rights will be able to serve greater numbers of pro bono clients because attorney and pro bono hours will not need to be spent on administrative matters such as contacting USCIS. In no cases will this be more important than those involving vulnerable individuals such a crime and trafficking victims or Special Immigrant Juveniles—those who must apply through VSC— who often lack the resources to pay attorney fees.</p> <p>While The Advocates supports this expansion, it calls on USCIS to ensure adequate training for VSC, and all USCIS staff, on privacy protections so that no private or case information is provided except as authorized by law.</p> <p>VI. Allowance for Digital Signatures</p> <p>The Advocates encourages the Department to begin accepting digital signatures for all G-28s, particularly for people who are detained. The change to accepting copies of wet signatures during and following the COVID-19 emergency has made a significant impact in increasing access to counsel and efficient representation for clients who may be detained or located away from an affordable or culturally appropriate attorney. Yet, in many instances, an individual may be unable to easily access a printer, scanner or other postal mail to utilize a copied signature. We see this particularly acutely amongst detained individuals as well as victims of trafficking and other serious crimes who may not enjoy freedom of movement. USCIS can better ensure that the most vulnerable are protected by accepting digital signatures. Digital signatures are commonly accepted by a range of industries, including for legally binding procedures. Indeed, the Electronic Signatures in Global and National Commerce Act (E-SIGN Act), effective for most purposes for more than 20 years, allows signatures to be given the same effect as paper and ink documents. See 15 U.S.C. 7001(a). USCIS has not detailed a substantial justification for accepting copies and scans of wet signatures rather than digital signatures. Yet, we know there are significant disadvantages to restricting such use.</p> <p>In addition, digital forms and signatures will create greater efficiencies for USCIS. By reducing paperwork that must be received, sorted, reviewed, scanned, and manually added to files, digital forms significantly reduce burden. Similarly, a digital signature on a hard copy form where USCIS does not yet accept online filing will still reduce burden because digital signatures can be easily scanned and verified. We, therefore, encourage USCIS to consider creating a digital option for this new G-28.</p> <p>VII. Conclusion</p> <p>In conclusion, The Advocates for Human Rights most urgently calls on USCIS to remove the proposed requirement for attorney birthdates on G-28s. Without providing a justification for requesting such personally identifiable information, USCIS cannot create such a requirement. Doing so violates the Privacy Act and threatens to reduce access to counsel, particularly for pro bono individuals. It also risks liability for USCIS in the event</p>	
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		<p>of a security breach, creates risks of discrimination, and harms the attorney-client relationship without serving any significantly justifiable purpose that cannot be accomplished through other means.</p> <p>While we oppose the inclusion of the birthdate requirement, The Advocates supports the proposed change to allow paralegals to present G-28s for limited purposes. We further urge USCIS to take an expansive view of who will qualify as a paralegal for such. Doing so ensures individuals can navigate complex and time-intensive customer service processes that do not involve legal advice without impacting limited and costly attorney time. This change will free-up attorneys, especially pro bono lawyers and those at nonprofit organizations like ours, to dedicate limited resources to the practice of law and ensuring access to counsel rather than remaining on hold for simple administrative procedures, such as changing an address or requesting a new appointment date. This will also reduce the burden to USCIS by ensuring that the person calling customer service is available to respond rather than necessitating multiple attempts to connect. While we support this change, The Advocates nonetheless cautions USCIS to increase efforts to prevent the unlicensed practice of law. Some protections can be achieved by crafting the new G28 and associated instructions and policy documents to protect individuals. USCIS must also redouble efforts to provide information to applicants on their rights and protections available, in addition to utilizing enforcement funding to investigate and stop those who prey on vulnerable individuals. In finalizing this new G-28 and relevant procedures and instructions, USCIS must ensure that it is relevant for Vermont Service Center applicants while also retaining the crucial privacy protections required at VSC. We remain available for additional information and engagement as needed. Thank you in advance for your thoughtful consideration of this and other public comments.</p> <p>Sincerely, Michele Garnett McKenzie Deputy Director</p>	
<p>Comment #: 159 Author: Joan Del Valle</p>	<p><a href="#">0293</a></p>	<p>Good afternoon. Respectfully I do not wish to share my date of birth. That opens to discrimination, and even identity theft. I do NOT wish that information being shared. That information is NOT necessary to represent someone. What matters is that you are an attorney and your license information Thanks</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>
<p>Comment #: 160 Author: Arturo Burga</p>	<p><a href="#">0295</a></p>	<p>Please exclude the date of birth requirement. Why is that even necessary?</p>	<p>USCIS has decided to revise the proposed collection to not collect the attorney’s date of birth.</p>