

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the District Director
300 N. Los Angeles St.
Los Angeles, CA 90012



U.S. Citizenship
and Immigration
Services

DATE: June 17, 2008

LOS EXM 160/5.1-P

Memorandum

TO: All District No. 23 Employees

FROM: 
Jane E. Arellano
District Director

SUBJECT: Acceptance of Forms G-28 from Attorneys

This memorandum will clarify the policy of District No. 23 regarding the acceptance of a Form G-28 within the District and its field offices and when an original signature of the attorney, the applicant or the petitioner is required.

In most circumstances, an attorney inquiry is made in an information room setting. The officer may not have access to the A or T-file pertaining to the inquiry. Oftentimes, officers will utilize electronic systems to verify who the attorney of record is. Normally, this can be done through accessing mainframe CLAIMS for non-naturalization casework, and the CLAIMS 4 system for N-400 applications.

When an attorney appears to inquire on the status of his or her case, a Form G-28 with an original signature is not required unless there is a fundamental change in the representational relationship. For example, if Attorney John Smith submitted a signed G-28 with the original filing as evidenced by the appearance of his name in the address fields of the database systems and he has a copy of that G-28 in hand, an officer should accept the copy and assist Mr. Smith as the attorney of record.

In the instance where an attorney who appears to make the inquiry is a partner or is affiliated with the firm retained by the client, the original signatures of that attorney as well as the petitioner or beneficiary must be on a separate Form G-28. See Title 8 C.F.R. 292.4. Each attorney must attest to his or her own membership in good standing. An officer of USCIS may request to see a bar card or other proof of bar membership or a picture identification document when necessary. It is generally not necessary to make copies of items of identification. Additionally, handwritten entries on a copy of the original Form G-28 indicating a temporary substitution for an attorney will not be accepted.

Also, pursuant to Title 8 C.F.R. 292.4, an officer may request further proof of authority to act in a representative capacity from an attorney if warranted by the circumstances. For example, if it is

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known that an attorney has been disciplined or suspended, the officer can ask to see evidence that the attorney has been reinstated or that a suspension has been lifted.

If an attorney appears and informs the USCIS officer that he or she has permanently taken over representation of the alien from another attorney, a new G-28 with all original signatures is required. The form should be taken and made a permanent part of the applicant's file. If the attorney is temporarily making an inquiry on behalf of the attorney of record, a new G-28 with original signatures by the new attorney and the applicant or petitioner is required. However, in situations where the representation is only a temporary substitution, the attorney must also complete Parts 1 and 3 of the signed Form G-28 to indicate that their representation does not supersede that of the attorney of record. In this instance, it is not necessary to take the Form G-28 from the attorney who is temporarily substituting for another attorney, and they may retain the form.

The requirement of original signatures on a Form G-28 in circumstances where the attorney/client relationship has changed; or, when a different attorney is temporarily becoming involved in the case, is intended to ensure that District No. 23 employees do not violate the Privacy Act of 1974. We do not want to inadvertently disclose information to an unauthorized individual.

In all circumstances, officers are expected to interact with attorneys and other representatives in a professional and polite manner. If an attorney requests to speak with a supervisor, the officer should not interpret this as dissatisfaction with their service. In many cases, an attorney may only wish to clarify the local policy or a specific aspect of the information provided.

Questions regarding the acceptance of Forms G-28 should be submitted through channels to the appropriate Field Office Director.