AMERICAN IMMIGRATION LAWYERS ASSOCIATION

September 22, 2025

John R. Pfirrmann-Powell,
Acting Chief,
Regulatory Coordination Division,
Office of Policy and Strategy,
U.S. Citizenship and Immigration Service 5900 Capital Gateway Drive
Camp Springs, MD 20746

Submitted via http://www.regulations.gov

Re: Comments on Agency Information Collection Activities; Revision of a Currently Approved Collection: Notice of Entry of Appearance as Attorney or Accredited Representative (USCIS-2008-0037)

OMB Control Number: 1615-0105

Dear Mr. Pfirrmann-Powell:

The American Immigration Lawyers Association (AILA) submits the following comment in response to proposed changes to Form G-28, Form G-28I, and corresponding instructions, as announced at 90 Fed. Reg. 141 (July 25, 2025).

AILA is a voluntary bar association of more than 18,000 immigration law professionals 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, lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws.

The following comments raise and reiterate concerns that AILA submitted in previous iterations of proposed changes to the Forms G-28 and G-28I. (See attached comments previously submitted on October 17, 2024). Topics of concern include bypassing the Administrative Procedures Act (APA) in defining acceptable methods of electronic signatures, providing inconsistent instructions regarding acceptable signatures for minors, failing to offer options for paralegal participation and limited representation, providing an inadequate means of withdrawing representation, introducing unnecessary attorney attestation language, and creating, instead of reducing, a greater public burden.

Electronic Signatures

The amended instructions to Form G-28 impose substantial burdens on the public that could be obviated if USCIS allowed online electronic signature certification to hard-copy printed forms filed with the agency.

The amended signature-certification process envisioned in the July 25, 2025 G-28 Paper Reduction Act (PRA) notice and accompanying form instructions, we believe, underscores and epitomizes a long-delayed, missed opportunity. By persisting in its policy of permitting some, but prohibiting other, forms of electronically produced photocopies of forms signed in wet ink, USCIS ignores a viable solution.

The agency should instead enhance its efforts towards online filing. In this case, it should create a procedure whereby an online signature certification by an immigration benefits requester and/or counsel of record can be "married" to a paper filing submitted before or after the hard-copy submission is physically received by USCIS. Unfortunately, the PRA notice shows that the agency is ignoring repeated statutory and DHS actions encouraging the speedy adoption of online signature certifications as a way to reduce public burden hours. Specifically, the instant notice:

i. fails to permit the prevalent governmental and commercial practice of recognizing the legally binding effect of certifications and acknowledgements made with electronic signatures;
ii. is inconsistent with the agency's acceptance of electronic signature certifications submitted online to USCIS, and with generally accepted federal agency practices to permit and give effect to electronic signatures, and also contravenes statutes such as the Government Paperwork Elimination Act, codified as Notes to 44 U.S.C. § 3504; and disregards extant Department of Homeland Security (DHS) directives mandating reductions in public burden hours under the PRA.[1]

[1] The completion of federal government forms, especially those prescribed by USCIS, involve public interactions and processes that often require significant paperwork and time. Specifically, the March 22, 2022, Memorandum of Eric Hysen, DHS Chief Information Officer, to DHS Component and Office Heads entitled, Paperwork Reduction Act Burden Reduction Initiative, notes:

> · "[The] annual paperwork burden imposed by executive departments and agencies … on the public has [exceeded] 9 billion hours."
> · DHS alone "imposes over 190 million hours of paperwork burden on the public each year."
> · "Reducing this burden, and thus eliminating 'time taxes,' is a key component of improving overall customer experience and rebuilding trust in government."
> · "DHS is establishing a target of reducing this public burden by at least 20-million- hours agency-wide by May 30, 2023 [emphasis in original].
> · USCIS's current burden hours (as of January 7, 2022) were 82,173,255 and were targeted to be reduced by 8,645,347 burden hours, with a new target of 73,527,908 burden hours by May 30, 2023 – a 10.5% reduction.

See also Report, "Tackling the Time Tax [~] How the Federal Government Is Reducing Burdens to Accessing Critical Benefits and Services," Executive Office of the President, July 2023, accessible here.

The G-28 Paperwork Reduction Act notice and change in form instructions are not appropriate vehicles for USCIS to circumvent the notice and comment requirements of the Administrative Procedure Act.

As noted above, USCIS posted a notice[2] in the Federal Register announcing the agency's intention to amend Form G-28. The agency also concurrently issued *proposed* revised instructions[3][4]-6).

The "Signature" section stated:

> If the Form G-28 is not signed or if the signature is not valid, USCIS will process the benefit request as though the Form G-28 had not been submitted. See 8 CFR 103.2(a)(3). If USCIS accepts a request for adjudication and determines that it has a deficient signature, USCIS may deny the request.
> (Red font in original, indicating new or changed text inserted by USCIS; emphasis added.)

The cited regulation, 8 CFR § 103.2(a)(3), states in pertinent part: "Where a notice of representation is submitted that is not properly signed, the benefit request will be processed as if the notice had not been submitted."

The next subsection, however, 8 CFR § 103.2(a)(7)(ii)(A), states in relevant part (with emphasis added):

> (ii) . . . A benefit request will be rejected if it is not:
>
> (A) Signed with valid signature . . .

AILA submits that the proposed changes to the G-28 instructions, quoted above, are inconsistent with § 103.2(a)(7)(ii)(A), which has not changed. Under this regulation, if USCIS at the time of filing discerns that a signature is not "valid," then the agency must "reject" the benefit request, not accept the filing fee, and not accord a priority date.

By proposing to amend the G-28's instructions and inserting new text regarding the "valid[ity]" of the attorney's signature, USCIS creates a clear conflict in regulations and procedures. Under the change in the proposed G-28 instructions, if an attorney were to submit a benefits request – i.e., a "request for adjudication," in the words of the proposed change in the instructions – USCIS *may* accept such a request, accept the filing fee, and process the request, and yet the agency retains the option to deny it at a later date.

AILA submits that the agency is under an affirmative duty, imposed by § 103.2(a)(7)(ii)(A), to ascertain promptly, at the time every benefit request is received (including those submitted by attorneys) whether it must "reject" the request for signature deficiencies and refrain from accepting filing fees.

---

[2] See 90 Fed. Reg. 35309 (July 25, 2025).

[3] The document listing revised instructions in red ink is titled: "TABLE OF CHANGES – INSTRUCTIONS Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative[,] OMB Number: 1615-0105 06/30/2025."

The consequence to parties paying for and expecting the adjudication of their benefits requests only to learn much later in time that the agency has issued notices of intent to deny (NOIDs) and then denials of the requests go far beyond the loss of the filing fee.

Such agency delays will foreseeably prejudice petitioners, applicants and beneficiaries in countless ways, e.g., the loss of business, the loss of immigration status, the loss of eligibility for the requested benefit, unappealable findings of visa voidance, inadmissibility and visa ineligibility for unlawful presence, and issuances of notices to appear for a removal hearing, among others.[5]

AILA submits that USCIS should not accept filing fees and not undermine the legitimate reliance interests of stakeholders by belatedly asserting, when corrective action is often impossible, that a signature is discovered to be invalid by denying the benefit request.[6]

AILA notes that for the past several years USCIS has gained substantial expertise in discerning the validity or invalidity of signatures on multiple agency benefits-request forms. Beginning with guidance issued during the Covid pandemic[7], continuing with updates to the agency's Policy Manual[8], and culminating in four appellate decisions in 2023 and 2024[9] the outset.

AILA maintains that because instructions on immigration forms have the force and effect of a regulation under 8 C.F.R. § 103(a)(1), it is inappropriate and contrary to law for USCIS through the

---

[5] AILA notes that all of these dire consequences are wholly unnecessary. In most instances, a promptly rejected benefits request can easily be rectified through a refiling. Moreover, by failing to comply with the prompt rejection of benefits requests with signatures deemed invalid, yet accepting filing fees, in contravention of § 103.2(a)(7)(ii)(A), USCIS prejudices applicants and subjects itself needlessly to risks of becoming an unwelcome defendant in potential litigation seeking refunds of filing fees unlawfully accepted.

[6] In the alternative, to avoid such harsh and unjust outcomes, USCIS should instead provide a mechanism such as perhaps a request for evidence (RFE) that would allow a benefits requestor to confirm and attest under penalty of perjury that – *as of the date of signing the particular form* – the authorized signatory had reviewed the petition and that all of the information contained in it, including responses to specific questions, and in the supporting documents, was complete, true, and correct. This would obviate the regulatory obligation on USCIS under 8 CFR § 103.2(a)(7)(ii)(A) to reject requests immediately upon filing, allow the agency more time to confirm or dispute the validity of signatures, and permit benefits requestors a reasonable period of time to later confirm and attest to the accuracy and completeness of the submission at the time of filing.

[7] See USCIS Announces Flexibility in Submitting Required Signatures During COVID-19 National Emergency")(archived).

[8] See USCIS Policy Manual, Volume 1 - General Policies and Procedures, Part B - Submission of Benefit Requests, Chapter 2 – Signatures, accessible at: https://www.uscis.gov/policy-manual/volume-1-part-b-chapter-2, whose stated purposes are: "to maintain the integrity of the immigration benefit system and validate the identity of benefit requestors, [and for] USCIS [to] reject . . . any benefit request with an improper signature and return . . . it to the requestor." (See "A. Signature Requirement").

[9] See USCIS Administrative Appeals Office (AAO) decisions: In Re: 26423180 (July 25, 2023); In Re: 28433228 (Nov 20, 2023); In Re: 29422132 (February 15, 2024); and In Re: 29124265 (February 16, 2024).

instant PRA notice to circumvent formal notice-and-comment rulemaking under the Administrative Procedure Act (APA).

If the agency wishes to create and impose deleterious consequences on parties requesting the adjudication of immigration benefits requests and paying substantial filing fees, it should propose a regulation clarifying its requirements for valid signatures by publishing a proposed regulation in the *Federal Register*, and allowing stakeholders to comment and voice their legitimate concerns.

Thus, AILA urges USCIS to withdraw the proposed instructions to Form G-28 and, if deemed necessary and proper to clarify the validity of signatures on its forms, to promulgate a proposed rule pursuant to the notice-and-comment provisions of the APA.

The instant PRA notice and change in agency instructions prejudices the reasonable reliance interests of the public and agency stakeholders by adding a new ground for rejection of photocopied wet-ink signatures not found in the USCIS Policy Manual.

AILA notes that the proposed change to the Form G-28 instructions in the section entitled "Validity of Signatures" (pp. 5-6) adds a ground for rejection of a photocopy of a wet-ink signature if it is:

> [An image] of a separately rendered handwritten signature that is later affixed to the document, using either manual or electronic methods, and presented as a single, original document by using reproduction methods, such as photocopying, scanning, faxing, or similar options, with the intent to proport [sic] as if the signer personally rendered a handwritten signature directly to the document.[10][7]

This new ground for rejection of an attorney-submitted benefits request is not contained in either the original Covid-era, wet-ink photocopy policy or in the USCIS Policy Manual (Volume 1 - General Policies and Procedures, Part B - Submission of Benefit Requests, Chapter 2 – Signatures).
Furthermore, the newly proposed rejection ground is ambiguous and void for vagueness. It lumps together multiple, non-specific modes of action ("manual or electronic methods"), and does not specify "the document" or the "original document" on which the authorized representative, attorney or interpreter must sign in wet ink. Moreover, the added rejection ground disregards the fact that on some immigration forms multiple parties, be it the benefit requestor, interpreter and/or attorney, must sign on the same page, e.g., Form I-129 (Petition for a Nonimmigrant Worker), Form I-140 (Immigrant Petition for Alien Workers), and Form I-485 (Application to Register Permanent Residence or Adjust Status).

Thus, in these situations, USCIS's new rejection ground does not specify which particular document constitutes the "original document" when two parties are requested to sign in wet ink on the same page, and photocopying is allowed, but "manual or electronic methods, . . . presented as a single, original document by using reproduction methods," are prohibited. This puzzling concatenation of permitted and prohibited practices in the new rejection ground, AILA respectfully submits, is an unintelligible word salad.

We therefore urge USCIS to withdraw the added rejection ground, as well as the other bases for rejection of photocopied wet-ink signatures, so that the Form G-28 instructions unnecessarily

10

complicate the process and confuse law-abiding, compliant stakeholders. AILA stresses that the agency should not use the amended instructions to Form G-28 as an improper form of PRA backdoor rulemaking. The proper procedure, we submit, would be notice-and-comment rulemaking under the APA.

AILA notes, moreover, that the penultimate bullet point listing rejection grounds is confusing because it refers to "the DHS Electronic Signature Policy Guidance." This cited reference may or may not be intended by the agency to refer to the USCIS Policy Manual, Volume 1 - General Policies and Procedures, Part B - Submission of Benefit Requests, Chapter 2 – Signatures, or possibly other electronic signature guidance published by the Department of Homeland Security.

Clarification Regarding Family Signatures

AILA seeks clarification regarding the validity of signatures made on behalf of applicants under the age of 14 on their behalf by family members. Under the section "Signature," the instructions indicate "If the client is under 14 years of age, a parent or legal guardian may
sign Form G-28 on their behalf." Under the "Validity of Signatures" section, however, the instructions indicate, among other conditions:

> "USCIS will not accept:
>
> • Signature by an attorney, or family member signing for the requestor." [emphasis added].

Consistent with 8 C.F.R. § 103.2(a)(2) which allows for applicants under the age of 14 to have family members sign on their behalf, AILA recommends that USCIS clarify this inconsistency and suggests a modification to the instructions to the following effect:

"Signature by an attorney, or family member, unless client is under the age of 14, signing for the requestor."

Withdrawing a Form G-28

AILA appreciates USCIS's attempt to clarify the process for withdrawing a Form G-28. However, we are concerned that the proposed language in the instructions—stating that the submission of a "valid, new Form G-28, to replace the previous one" will effect withdrawal—may be interpreted too broadly and may cause unintended consequences.

We urge USCIS to amend this section to specify that only the submission of a new Form G-28 filed by a primary attorney or accredited representative of record may withdraw a prior Form G-28. While we note language in the instructions indicating that "USCIS will not accept a withdrawal from a law student, a law graduate, or a paralegal," the submission of a G-28 by a law student, law graduate, or for a limited purpose representation should not have the effect of displacing the primary attorney or accredited representative. This clarification is essential for consistency with USCIS policy and existing instructions, which makes clear that law students and graduates appear only under supervision and that limited-purpose representation does not alter the identity of the primary representative.

Without such clarification, requestors could be inadvertently left unrepresented due to the filing of a G-28 that was never intended to supersede the primary attorney or accredited representative of record. We recommend USCIS add an option for one to mark "concurrent representation" or "limited representation" to avoid such displacement. Moreover, we urge USCIS to notify the primary attorney on record of any withdrawal or change, as USCIS does when other matters are properly withdrawn, such as the withdrawal of a petitioner's approved Form I-129.

In addition, AILA strongly recommends that USCIS permit multiple attorneys to appear on a single Form G-28, restoring the historic practice at INS and early USCIS.[11] Allowing multiple attorney appearances from the same law firm (and for that matter, paralegals from the same law firm) to be listed on a single Form G-28 would streamline agency adjudications and relieve public burden hours. Reducing the time and burden of unnecessary correspondence to and from the agency and the applicant/petitioner and counsel, a key purpose of the PRA, would be better achieved if such amendments were made to Form G-28. AILA therefore renews its request that USCIS amend Form G-28 to reinstate this option.

Limited Paralegal Representation

AILA notes with concern that the proposed Form G-28 and revised instructions do not provide an option for the limited entry of appearance by paralegals. The G-28 Table of Changes also deletes all current text that contemplated the ability of attorneys and accredited representatives to designate a paralegal for limited interactions with USCIS customer service channels. AILA reiterates its strong support for implementing this option.[12]

8 CFR § 292.1(a)(3) expressly provides that "reputable individuals" may represent requestors before DHS in limited circumstances. Paralegals working under the supervision of an attorney or accredited representative clearly meet each of the criteria for "reputable individual" status:

1. Individual case basis at the request of the client – A paralegal would only appear in connection with a specific matter where the client has authorized their limited interaction.

2. No direct or indirect remuneration – The paralegal is an employee of the attorney or recognized organization, not an independent service provider, and therefore receives no direct or indirect remuneration from the client.

3. Pre-existing relationship or connection – The paralegal's professional relationship, through employment by the attorney or organization representing the client, constitutes a recognized connection.

[11] AILA previously made this recommendation when submitting comments on proposed revisions to Form G-28/Form G-28I on October 17, 2024. https://www.aila.org/aila-submits-supplemental-comments-to-proposed-revisions-to-form-g-28i

[12] AILA previously made this recommendation when submitting comments on proposed revisions to Form G-28/Form G-28I on October 17, 2024. https://www.aila.org/aila-submits-supplemental-comments-to-proposed-revisions-to-form-g-28i

4. Permission from DHS official – DHS retains full discretion to deny or limit such appearances, ensuring that unauthorized practice of law concerns are addressed.

Accordingly, paralegals fall squarely within the "reputable individual" category that DHS envisioned as permissible representatives.

There are strong policy reasons for permitting limited paralegal representation. By permitting a designated paralegal 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, USCIS will help lawyers better serve their immigration clients and thereby lower the cost of legal services and reduce adjudicative burdens borne by the agency. The limited tasks for which paralegals would appear are administrative in nature, do not involve legal judgment, and would substantially reduce inefficiencies for both the agency and stakeholders.

AILA recognizes and shares USCIS's legitimate concern over preventing the unauthorized practice of law. We recommend, however, that these concerns be addressed through safeguards such as:

- Requiring dual signatures (paralegal and primary attorney) on a paralegal-filed G-28 designation.

- Restricting the scope of paralegal representation strictly to enumerated customer service interactions.

- Retaining DHS discretion to deny or revoke paralegal designations where abuse or misconduct occurs.

Additionally, while the current instructions state that reputable individuals must obtain DHS permission to appear, no form or process exists for making such a request, and DHS officials regularly deny limited paralegal representation requests, likely in part because of the lack of a formal procedure or policy for making such requests. The G-28 is the logical vehicle to accommodate this option, as it is the established mechanism for providing notice of representation.

For these reasons, AILA respectfully requests that USCIS restore language to the instructions explicitly permitting limited paralegal representation, consistent with both regulatory authority and sound public policy. Such a step would enhance access to representation, reduce costs, and ease administrative burdens without compromising safeguards against unauthorized practice.

Attorney Attestation

The proposed new Form G-28 adds new attorney attestations in Part 6 above the attorney signature line which are unnecessary and redundant.

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS, I acknowledge that I am subject to the disciplinary rules and procedures at 8 CFR 292.3, including, pursuant to 8 CFR sections 292.3(h)(3), 1003.108(c), authorizing/permitting publication of my name and findings of misconduct should I be

subject to any public discipline. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

The current Form G-28, as well as the proposed G-28, contains space in Part 2 for the attorney to attest to their eligibility to practice law, to list the jurisdictions in which they are licensed, and to attest that they are not subject to any restrictions upon their eligibility to practice law.

The current Form G-28 also contains language whereby an attorney affirms that the attorney has read and understands the disciplinary actions that could be taken against the attorney as enumerated under 8 CFR 103.2 and 292.

The proposed language references the same regulatory provisions but specifically requires the attorney to authorize or permit the publication of the attorney's name and findings of misconduct should the attorney be subject to any public discipline. Public censure is but just one of the possible disciplinary actions. AILA believes that this specific requirement is superfluous. The regulations include a number of other possible disciplinary actions, therefore, there is no need to list one particular one over the others. The reference to the relevant regulatory provisions is sufficient.

Missing Items on Form G-28I

AILA notes that under the proposed Form G-28I, Part 4. Client's Consent to Representation and Signature, Consent to Representation and Release of Information, the box for a client to check is missing.

Further, AILA notes that there are a number of notice options enumerated under "Options Regarding Receipt of USCIS Notices" available on Form G-28 that are not available on Form G-28I. We recognize that the current versions do not offer parity in options as well, but AILA recommends comparable availability of options on Form G-28I as on Form G-28 where applicable.

Request for All Jurisdictions of Attorney Licensure

The proposal to require attorneys to list *all* jurisdictions in which they are licensed is unnecessary and creates an additional paperwork burden without providing meaningful benefit to USCIS or the public. Under existing professional and ethical obligations, attorneys are already subject to oversight by their licensing authorities, and USCIS maintains authority to verify licensure with the primary state of admission. Requiring disclosure of every jurisdiction is duplicative, administratively inefficient, and extends beyond what is necessary to confirm an attorney's good standing to practice immigration law before the agency. The additional data collection does not further the purposes of the PRA and imposes avoidable burdens on both practitioners and USCIS adjudicators.

Additional jurisdictions neither add meaningful integrity safeguards nor justify the heavy time burden this will add per form. USCIS estimates the average response time for a paper G-28 at 0.833 hours. However, the additional time required for disclosing all jurisdictions of licensure imposes real additional time that USCIS has failed to take into account. Even if completing the additional jurisdictions of the attorney takes only one additional minute, when multiplied by the government's

own estimate of 4,181,229 paper respondents[13], it equates to over 69,000 additional public burden hours annually.

In addition to the public burden, USCIS has not accounted for the increased internal processing time that will result from requiring attorneys to disclose all jurisdictions of licensure. Every additional jurisdiction listed must be read and reviewed by an officer to confirm completeness, entered into USCIS systems if data fields are captured electronically, and scanned and stored in the electronic record. Even if reviewing and processing each additional jurisdiction adds only 30 seconds to USCIS' time per form, across the estimated 4,181,229 paper G-28s annually, that translates into over 2 million minutes of additional USCIS processing time annually, equal to 34,844 USCIS personnel hours of extra workload.

Form Length Increase from Four to Five Pages Creates Public Burden

The Paperwork Reduction Act (PRA) requires agencies to accurately estimate the burdens of information collection and to minimize those burdens wherever possible. Streamlined and concise forms should remain the goal. By failing to incorporate the impacts of expanding the form from four pages to five, USCIS's notice both understates the public burden and overlooks readily avoidable costs.

Expanding the form from four pages to five imposes incremental but real costs on the public, practitioners, and the government. Each additional page consumes paper, printing, copying, scanning, and storage resources, and increases mailing costs and processing time. While one page may appear minor, multiplied across millions of filings annually, the cumulative waste of paper, ink, time, and government resources is significant.

USCIS's burden estimate does not appear to have been adjusted to account for this change. For 4.18 million paper respondents, the additional page alone equals more than 4 million extra sheets each year. Completing, copying, and filing that page will add to the time burden, while paper, printing, postage, and scanning clearly impose non-zero costs. By reporting a $0 cost burden, USCIS disregards these real impacts.

The notice's claim that the annual burden is 3,814,793 hours and $0 in costs is therefore inaccurate and understated. Even if filling out the extra page adds only one minute per form, the result is over 69,000 additional public burden hours annually. The Paperwork Reduction Act requires agencies to provide accurate estimates and to minimize unnecessary burdens. By failing to account for the additional page, USCIS understates both the time burden and the financial costs of this revision.

Conclusion

For all of the concerns raised above, AILA respectfully requests that USCIS review and revise its proposals to Forms G-28 and G-28I, along with its corresponding instructions, to ensure that the proposals follow the proper channels for change, provide consistent and clear instructions, and bring about the intended consequences before adoption.

Sincerely yours,

[13] See 90 Fed.Reg. 35310 (July 25, 2025).

American Immigration Lawyers Association