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PUBLIC SUBMISSION

Comment Submitted by John Flanagan

Posted by the **U.S. Citizenship and Immigration Services** on Jul 12, 2021

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I am an attorney in private practice who has represented over 100 individuals in DHS, EOIR, and consular proceedings, both in detained and non-detained settings. I have had to use Form G-28 for a range of tasks, from filing affirmative benefits to getting access to clients in detention.

At four pages, the current Form G-28 is far too long. The equivalent Form in EOIR proceedings - Form EOIR-28 - is two pages long. Indeed, Form G-28 used to only be two pages (see OMB No. 1615-0105, expiry date 02/29/2016). Also, Form EOIR-28 does not require the client's signature, and the same should be true of Form G-28. As officers of the court, attorneys should be able to make a good faith representation that they represent a client in administrative proceedings, as they are permitted to do in courts and administrative tribunals throughout the United States.

In the alternative, there should be a provision for an attorney to enter an appearance for a detained individual without the need for an original signature. Historically, ICE and the Asylum Office have used the signature requirement in bad faith to obstruct access to clients in detention. For example, I have many colleagues who have wanted to present credible fear information on behalf of clients who provided verbal consent to representation but were unable to sign paperwork because they were apprehended and shipped off to a remote detention center. In this context, the signature requirement allows bad-faith gamesmanship by officials who want to obstruct access to counsel and should be eliminated by some sort of explicit exception on the form.

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