U.S. Citizenship and Immigration Services

Statement of Intent Regarding Filing Requirement for Attorneys and Accredited Representatives Participating in Group Assistance Events

The Department of Homeland Security (DHS) supports the efforts of immigration practitioners who volunteer to assist aliens at community events. U.S. Citizenship and Immigration Services (USCIS) announced that, until further notice, DHS Disciplinary Counsel does not intend to initiate disciplinary proceedings against practitioners (attorneys and accredited representatives) based solely on the failure to submit a Notice of Entry of Appearance as Attorney or Accredited Representative (Form G-28) in relation to pro bono services provided at group assistance events.

Historically, DHS has required that practitioners file a Notice of Entry of Appearance as Attorney or Accredited Representative when they engage in practice in immigration matters before DHS, either in person or through the preparation or filing of any brief, application, petition, or other document. Under these rules, a practitioner who consistently violates the requirement to file a Form G-28 may be subject to disciplinary sanctions under DHS professional conduct regulations at 8 CFR 292.3 (incorporating Department of Justice grounds of discipline by reference).

In 2009, the Department of Justice finalized a regulation to update its rules on professional conduct for practitioners, including the grounds for disciplinary proceedings. In February 2010, DHS published its own regulation, continuing the historical alignment of its rules with those of DOJ.

Since the DHS rule became effective in March 2010, DHS has learned that many pro bono practitioners are concerned about the disciplinary ground for consistent failure to file a Form G-28, especially with respect to its applicability to services rendered at group assistance events. Many practitioners have chosen not to provide such pro bono services in light of the DHS rule. DHS recently reopened the public comment period on its regulation to receive additional input about these concerns. DHS will publish a final rule after further consideration of public comments on its regulation, including a reevaluation of this temporary accommodation for pro bono practitioners at group assistance events.

DHS reminds practitioners to file a Notice of Entry of Appearance for each matter in which they are engaging in practice or preparation before DHS.

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For more information on DHS or USCIS, please visit our Web sites at www.dhs.gov or www.uscis.gov.

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Plug-ins

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