

## **Interim Guidance-Attorneys at Refugee Interviews**

### **Introduction**

A provision in the National Defense Authorization Act (NDAA) for FY 2014 allows for representation during SIV interviews and the Iraqi P2 program because Congress created both programs in the Refugee Crisis in Iraq Act of 2007. In the coming weeks, RAD will work with OCC and the other two RAIO divisions to develop official guidance on Refugee Officers' interaction with attorneys and/or accredited representatives during refugee interviews. In the meantime, please refer to this interim guidance.

### **The G-28 Requirement**

The attorney or accredited representative must file a properly completed Form G-28, *Notice of Entry of Appearance as Attorney or Accredited Representative*. This form must be signed by the applicant and the attorney (or accredited representative).<sup>1</sup> A law student or a law graduate who is working under the direct supervision of an attorney or accredited representative may appear at the interview; the law student or graduate will need to fill out the appropriate boxes on the G-28.

### **If an Attorney or Accredited Representative Is Present at Your Interview**

If a representative is present, you must:

- Review form G-28 to verify that it has been properly executed. If the G-28 was submitted before the interview, you should compare the applicant's signature with the one on file.
- If the representative and/or the interviewee have not signed the form, ask them to do so at the interview.
- If no form is in the file, ask the attorney or accredited representative to submit one before beginning the interview.
- You also must verify that the representative at the interview is the same person who signed the G-28. If the representative present is not the representative listed on the G-28, follow the guidance below.

### **Cooperative Relationship Between the Representative and You**

Because of the non-adversarial nature of the refugee interview, the role of the attorney or representative during the interview is minimal. You may allow the attorney or representative to comment or ask questions during the course of the interview to clarify specific points. However, you control the interview and ask most of the questions. An attorney or representative may not respond to questions the USCIS officer directs to the applicant except to ask the USCIS officer to clarify the question asked. An attorney or representative may ask the applicant additional

questions at the conclusion of the interview by the officer. At the end of the interview, you should give the attorney an opportunity to offer a closing statement. You have the discretion to limit the length of the closing statement, or in rare circumstances, require that a statement be submitted in writing instead.<sup>ii</sup>

If you encounter a representative who is unaware of the non-adversarial nature of the interview, you may need to advise the attorney of his or her role in this proceeding. In doing so, you must always conduct yourself professionally.

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<sup>i</sup> Organizations must apply to the Board of Immigration Appeals (BIA) for accreditation. A representative should be able to provide documentation that accreditation has been granted. See 8 CFR 292.2.

<sup>ii</sup> See Asylum Lesson Plan

<http://ecn.uscis.dhs.gov/team/raio/PerMgt/Training/layouts/WordViewer.aspx?id=/team/raio/PerMgt/Training/Lesson%20Plans/Interviewing%20-%20Intro%20to%20the%20NonAdversarial%20Interview%20LP%20%28RAIO%29.doc&Source=http%3a//ecn.uscis.dhs.gov/team/raio/PerMgt/Training/Lesson%2520Plans/Forms/ASYview.aspx?GroupString%3D%253B%2523Interviewing%2520%252D%2520Introduction%2520to%2520the%2520Non%2520Adversarial%2520Interview%2520%2528RAIO%2529%253B%25231%2520Lesson%2520Plans%253B%2523%26IsGroupRender%3DTRUE&DefaultItemOpen=1&DefaultItemOpen=1>