

Immigration Alert

## DHS Issues Final Rule Permitting Attorneys to Receive Immigration Correspondence/Documents Previously Sent Directly to Applicants

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The Department of Homeland Security announced this week that the final rule, [Notices of Decisions and Documents Evidencing Lawful Status](#), published for comment on October 29, 2014, is effective as of January 27, 2015.

This final rule changes when and how United States Citizenship and Immigration Services (USCIS) will correspond with an applicant, petitioner, and/or an attorney of record. The rule further expands the instances where an applicant may have original documents sent to his or her attorney of record rather than directly to the applicant's home address. Below is a summary of the six new notification procedures:

1. USCIS will send notices only to an applicant or petitioner when the applicant or petitioner is unrepresented.
2. If an applicant and/or petitioner submits a duly executed Form G-28 notifying USCIS that he/she is represented by an attorney or accredited representative, USCIS will send notices to the applicant/petitioner *and* to the applicant's attorney or accredited representative.
3. An applicant/petitioner may request that USCIS send original notices only to the official business address of the applicant's attorney or accredited representative, with a courtesy copy being sent to the applicant or petitioner for their records.
4. For cases filed electronically, USCIS will only issue electronic notifications, unless the applicant/petitioner elects to have notification sent by mail.
5. USCIS has now codified its current practice of sending the original Form I-797, Notice of Action, as an approval notice with a tear-off I-94, Arrival-Departure Record, to the applicant's or petitioner's attorney or accredited representative.
6. Finally, USCIS will now explicitly permit applicants to have their secure identification documents (such as employment authorization cards) sent to their attorney of record or accredited representative.

Applicants and/or petitioners will use an updated Form G-28 to select their notification preferences. USCIS has revised Form G-28 and those revisions are currently under review by the Office of Management and Budget (OMB). USCIS will publish the updated Form G-28 after OMB completes its approval process. Until then, attorneys should continue to use the current Form G-28, edition date 02/28/2013.



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