

Many legal entities hire agents, including outside counsel, to act on their behalf in various business matters and legal transactions. USCIS recognizes the authority of agents to act on the petitioning corporation's or other legal entity's behalf and file requests and other documents with USCIS under certain prescribed circumstances.

USCIS will only recognize signatory authority of an agent if the INA or governing regulations do not preclude such agents and the agent has been authorized to act on the corporation's or legal entity's behalf through a written POA. A POA is a written authorization to act on another's behalf in certain specified private or business affairs or other legal matters. An individual granted a POA does not need to be an attorney or an accredited representative to be recognized as an authorized agent. However, if in addition to signing the form, the agent is acting as the requester's attorney or authorized representative in continued dealings and communications with the Department of Homeland Security (DHS), the individual must also submit a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, and meet the requirements of 8 CFR pt. 292.

USCIS will only accept a POA if it has been executed in accordance with the state laws governing the jurisdiction in which the corporation or other legal entity conducts business or has filed its articles of incorporation or organization.⁶ The POA also must be personally signed by an "authorized person" of the corporation or other legal entity other than an agent (see section B.2 above). The POA must authorize the agent to act on behalf of a corporation or other legal entity in specific matters, but does not need to detail any particular immigration filing or document. USCIS will normally consider a POA valid if, in addition to the requirements above, the POA:

- (1) Indicates the period of validity, including an expiration date, or a statement that the POA is valid until revoked or terminated in accordance with governing state laws;
- (2) States that the agent's authority extends to the corporation's or other legal entity's immigration dealings or transactions before USCIS;
- (3) Specifically names the agent as the person authorized to sign documents filed with USCIS on behalf of the corporation or legal entity; and
- (4) Is in force at the time the agent files a request or document with USCIS.

USCIS will not accept any request or document signed by an agent unless it is accompanied by an original POA or a copy of a valid POA. The POA or a copy of the POA must be submitted each time an agent files a request with USCIS regardless of whether the agent has previously filed requests with, or submitted documents to, USCIS on behalf of the corporation or other legal entity or previously provided a valid POA to USCIS. A POA will generally be

the Form I-129, *Petition for a Nonimmigrant Worker*, instructions for the requirements governing the scope of an agent's authority in those contexts.

⁶ It is the petitioner's burden to demonstrate that these state requirements have been satisfied.

accepted by USCIS adjudicators as valid if it is properly signed and satisfies the criteria enumerated above.

C. Purpose of the Form G-28

When an attorney or accredited representative submits a signed Form G-28 to USCIS, that attorney/accredited representative is certifying that the individual, corporation, or other legal entity named in the Form G-28 has authorized the attorney/accredited representative to act on the individual's or other legal entity's behalf when filing requests or other documents with USCIS. Consistent with the discussion above, a Form G-28, however, does not by itself authorize a representative to sign a request or other document on the individual's, corporation's, or legal entity's behalf, except when the attorney/accredited representative is filing a Form I-290B, Notice of Appeal or Motion, or Form EOIR-29, Notice of Appeal to the Board of Immigration Appeals from a Decision of an Immigration Officer, on behalf of the individual, corporation, or legal entity after USCIS issues an adverse decision in a case. Further, an attorney or accredited representative may not use a POA to sign a Form G-28 on behalf of an individual, corporation, or other legal entity to authorize his or her own appearance.

D. Form Revisions

USCIS may specify on each form or in the form's instructions that will be made available for public use, the signature requirements and evidence that must be submitted with a request or other document to establish that any person signing a document in lieu of the requester has the authority to act on a requester's behalf. Revised public use forms will be published for public comment as required by 5 CFR § 1320.8(d)(1). If a form contains no clear signature authority requirements or limitations then this PM governs.

Use

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Contact Information

Questions or suggestions regarding this PM should be addressed through appropriate channels to the Office of Policy and Strategy.