

REMOTE ATTORNEY OR REPRESENTATIVE PARTICIPATION IN AN AFFIRMATIVE ASYLUM AND/OR NACARA 203 INTERVIEW AT THE NEW YORK ASYLUM OFFICE

An applicant has the right to have an attorney or representative present at their affirmative asylum and their NACARA 203 interview. (See 8 CFR 208.9(b), 240.67(b)(5), 103.2(a)(3) and 8 CFR 292.5(b).) Due to social distancing guidelines, USCIS *temporarily* will allow attorneys or representatives to participate in affirmative asylum and NACARA 203 interviews remotely, using video technology or by telephone. USCIS will use the email address and telephone number listed for the attorney or representative on record, for example, Part 1., Items 4-6 of the Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, that is associated with the Form I-589, Application for Asylum and for Withholding of Removal and/or Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Public Law 105-100 (NACARA)).

If you are an attorney or representative:

- You must use this form to notify USCIS of your remote participation for each individual case at least 10 days before the scheduled interview.
- If you ask to change from remote participation to in-person participation less than 10 days before the interview, we may have to reschedule the interview. We will consider this an applicant-caused delay with regards to employment authorization based on a pending asylum application.
- USCIS will send a Microsoft Teams “meeting invitation” for the interview to the email address listed for you. If you need to update your email address or telephone number, you must notify USCIS in writing, along with this form.
- After you click the Teams invitation link, you will be prompted to join the Teams meeting through a web browser on a computer or by downloading the Teams application onto a computer or mobile device. The Teams application is free, and you do not need to create a Teams account.
- If a video connection is unavailable for any reason, including technical difficulties, you may call in to the Teams meeting by telephone. The default mode of participation is always video, so both a visual and audio feed will be available for the duration of the interview.
- If you are listed as the attorney or accredited representative on a Form G-28, USCIS will not move forward with the interview without your participation. If you do not attend the scheduled interview, the officer will ask the applicant whether they wish to proceed with the interview without you. USCIS will not move forward with an interview without your presence unless the applicant signs a *Waiver of Presence of Representative During an Asylum or a NACARA Interview* form.

If an applicant notifies USCIS that the attorney or accredited representative of record no longer represents them, the officer will notify the applicant that the interview will proceed as if they are not represented, and USCIS will provide any subsequent notices only to the applicant until we receive a new Form G-28 in their case.

If you choose to participate remotely using video technology as the attorney or representative of record, please complete the information below and return to the New York Asylum Office.

Location of Interview	NEW YORK ASYLUM OFFICE
Date of Interview	
Name of Principal Applicant on Form I-589	
Alien-Number of Principal Applicant on Form I-589	
Attorney Email Address	

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DECLARATION OF ATTORNEY OR REPRESENTATIVE

- I certify that I am eligible to represent the above-named applicant as demonstrated on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, properly executed and submitted in connection with the above-named applicant's Form I-589, Application for Asylum and for Withholding of Removal and/or Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Public Law 105-100 (NACARA)).
- I elect to participate remotely using video technology, or by telephone if video connections are unavailable, for the above-referenced interview.
- I have notified the above-named applicant that I will participate remotely, and they have given me their consent for my remote participation.
- I understand that if I modify my remote interview preference, then I must notify the local USCIS asylum office at least 10 days before the applicant's scheduled interview.
- I understand that if I request to change my election of remote participation to in-person participation less than 10 days before the interview, then USCIS may reschedule the applicant's interview and will consider this an applicant-caused delay with regards to employment authorization based on a pending asylum application.
- I understand the importance of maintaining confidentiality for USCIS asylum interviews due to the sensitive information revealed, and I will not have present any other individuals who could hear or participate in the asylum interview without the express consent of the applicant and asylum officer.
- I understand that I am permitted to use electronic devices during the asylum interview for note-taking purposes and video/telephonic participation only, unless otherwise authorized by the asylum office. This includes, for example, computers, tablets, and cellular telephones.
- I understand that I am not permitted to use an electronic device to record audio or video at any point during the asylum interview.
- I understand that failure to abide by these requirements may result in referral to the U.S. Department of Homeland Security Disciplinary Counsel.

Printed Name of Attorney or Representative: _____

Signature of Attorney or Representative: _____

Date: _____

THIS COMPLETED FORM MUST BE RETURNED TO THE NEW YORK ASYLUM OFFICE AT LEAST 10 DAYS PRIOR TO THE SCHEDULED INTERVIEW. IF THIS FORM IS NOT RETURNED BY THE REQUIRED TIME, THEN REMOTE PARTICIPATION MAY NOT BE AVAILABLE.

**Return Address:
USCIS New York Asylum Office
1065 Stewart Avenue, Suite 200
Bethpage, NY 11714**