

chapter, a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with § 103.10 of this chapter, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he may in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in § 103.10 of this chapter.

[23 FR 2673, Apr. 23, 1958, as amended at 32 FR 9633, July 4, 1967; 52 FR 2941, Jan. 29, 1987; 59 FR 1466, Jan. 11, 1994]

§ 292.5 Service upon and action by attorney or representative of record.

(a) *Representative capacity.* Whenever a person is required by any of the provisions of this chapter to give or be given notice; to serve or be served with any paper other than a warrant of arrest or a subpoena; to make a motion; to file or submit an application or other document; or to perform or waive the performance of any act, such notice, service, motion, filing, submission, performance, or waiver shall be given by or to, served by or upon, made by, or requested of the attorney or representative of record, or the person himself if unrepresented.

(b) *Right to representation.* Whenever an examination is provided for in this chapter, the person involved shall have the right to be represented by an attorney or representative who shall be permitted to examine or cross-examine such person and witnesses, to introduce evidence, to make objections which shall be stated succinctly and entered on the record, and to submit briefs. Provided, that nothing in this paragraph shall be construed to provide any applicant for admission in either primary or secondary inspection the right to representation, unless the applicant for admission has become the focus of a

criminal investigation and has been taken into custody.

[37 FR 11471, June 8, 1972 and 45 FR 81733, Dec. 12, 1980; 46 FR 2025, Jan. 8, 1981; 58 FR 49911, Sept. 24, 1993]

§ 292.6 Interpretation.

Interpretations of this part will be made by the Board of Immigration Appeals, subject to the provisions of part 3 of this chapter.

[32 FR 9633, July 4, 1967]

PART 292a—LISTING OF FREE LEGAL SERVICES PROGRAMS

Sec.

- 292a.1 Listing.
- 292a.2 Qualifications.
- 292a.3 Applications.
- 292a.4 Approval and denial of applications.
- 292a.5 Removal of an organization from list.

AUTHORITY: Sec. 103; 8 U.S.C. 1103, interpret or apply secs. 242 and 292 (8 U.S.C. 1252 and 1362).

SOURCE: 44 FR 4654, Jan. 23, 1979, unless otherwise noted.

§ 292a.1 Listing.

District directors and officers-in-charge shall maintain a current list of organizations qualified under this part and organizations recognized under § 292.2 of this chapter which have applied for listing under § 292a.3 of this part, located within their respective jurisdictions, for the purpose of providing aliens in deportation or exclusion proceedings with a list of such organizations as prescribed in this chapter.

[45 FR 43681, June 30, 1980]

§ 292a.2 Qualifications.

Except for an organization which is recognized under § 292.2 of this chapter and is available to render legal services in deportation or exclusion proceedings, an organization which seeks to have its name appear on the Service lists must show that it is established in the United States, provides free legal services to indigent aliens, has on its staff attorneys as defined in § 1.1(f) of this chapter or retains, at no expense to the alien, attorneys as defined in § 1.1(f) of this chapter, who are available to render such free legal services