



January 30, 2022

Samantha Deshommes, Chief  
Office of Policy and Strategy, Regulatory Coordination Division,  
Department of Homeland Security  
US Citizenship and Immigration Services  
Department of Homeland Security  
20 Massachusetts Avenue NW.  
Washington, DC 20529-2020

Submitted Via: Federal eRulemaking Portal Website

Re: USCIS Proposed Rule Including Genealogy Index Search Request and Genealogy Records Request  
Docket ID USCIS-2006-0013  
OMB Control Number 1615-0096

Position: Support if Amended

Dear Ms. Deshommes:

The International Association of Jewish Genealogical Societies *is the* umbrella organization of 92 genealogical societies and Jewish historical societies worldwide whose approximately 9,500 members are actively researching their Jewish roots. We want to ensure that our members will be allowed continued and maximum access to these records of genealogical importance. Our members use them for providing help in researching family history and tracing inherited medical conditions. The IAJGS and its predecessor organization were formed in 1988 to provide a common voice for issues of significance to its members and to advance our genealogical avocation. One of our primary objectives is to promote public access to genealogically relevant records. Our 42nd consecutive annual International Conference on Jewish Genealogy (<https://s4.goeshow.com/iajgs/annual/2022/index.cfm>) will be held in Philadelphia, PA in August 2022.

We are writing in response to the proposed regulation regarding Genealogy Index Search Request and Genealogy Records Request. The proposed rule asks for comments in specified areas. Our comments specific to the proposed regulation are limited to the two forms G-1041 and G-1041A and their desirability under the current genealogy program. We further are suggesting that records be transferred to the National Archives.

While our members are societies, not individuals, our members' members are individuals- both individual business and hobbyist genealogists. Access to the genealogical records and using the genealogy index and records requests are critical to their family research. Others in the genealogical community such as historians, researchers and social scientists, heir location researchers, and more are also involved with using these indices and records.

As we expressed in our letter of June 20, 2016, responding to the proposed fee increases for the Genealogy Program we urged the records be transferred to the National Archives as soon as possible so that the records are freely accessible to the public. Once at the National Archives, the public would also be relieved of any financial burden to access the records.

However, for the time the genealogy records remain at USCIS, and the two forms are to be continued, we support the continued use of forms to simplify and improve the process for genealogists.

On files less than 100-years old, we understand the requirement to show proof of death for the alien. However, we do not understand the need to redact information about others mentioned in the file. We point out that the 1950 U. S. Census will be released 1 April 2022 after 72-years. We do not agree with the redaction of others mentioned on the forms. Others mentioned in the records assist family historians and others in researching the family members and can be critical when tracing inherited medical conditions. Other government agencies including NARA treat historical information with less stringent privacy rules. By not spending time doing the redactions, costs are saved which could reduce the fees charged.

The U.S., Surgeon General has recommended that everyone create a family health history for three generations (<http://kahuna.clayton.edu/jgu/FHH/html/fhh.html?action=create#>). The form specifically asks about Ashkenazi Jewish Heritage due to the increased risk the BRCA1 and BRCA2 genes carry for breast, ovarian and pancreatic cancer and for men prostate and pancreatic cancer. BreastCancer.org states Ashkenazi women who know they have a BRCA1 or BRCA2 gene and women who inherit a mutation in either of these genes — from their mothers or their fathers — have a much higher-than-average risk of developing breast cancer and/or ovarian cancer. One in 40 Ashkenazi Jewish women have a BRCA gene mutation.  
([https://www.cdc.gov/cancer/breast/young\\_women/bringyourbrave/hereditary\\_breast\\_cancer/jewish\\_women\\_brca.htm#](https://www.cdc.gov/cancer/breast/young_women/bringyourbrave/hereditary_breast_cancer/jewish_women_brca.htm#))

Five %-10% of breast cancers are thought to be hereditary, meaning the cancer is linked to mutations in genes passed from parent to child (<https://www.breastcancer.org/research-news/ashkenazi-brca-status-and-bc-outcomes#>). This supports the need for family historians to have easy and affordable access to the genealogy index and records.

IAJGS reminds USCIS that regulators require the transfer of records created before 1950 to the National Archives. We note that all such records have not yet been transferred, and encourage their prompt transfer and the establishment of a system for automatic annual transfer.

IAJGS also supports any improvements which make the service to genealogists more-timely and the process more efficient, thus potentially lowering the costs.

With the above-mentioned amendments to the proposed regulation, we would support the proposal.

IAJGS is a sponsoring member of the Records Preservation and Access Coalition (RPAC), and we support their statement on these proposed regulations.

Thank you for your consideration.

If we can be of any assistance to the deliberations please feel free to contact Jan Meisels Allen at the email address or phone number below.

Sincerely,



Jane Berenbeim  
President, IAJGS



Jan Meisels Allen  
Chairperson, IAJGS Public Records Access  
Monitoring Committee  
1-818-889-6616  
[jan@iajgs.org](mailto:jan@iajgs.org)



**Records  
Preservation  
& Access Coalition**

January 31, 2022

Samantha Deshommes, Chief  
Regulatory Coordination Division  
Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
20 Massachusetts Ave., NW  
Mailstop #2140  
Washington, DC 20529-2140

Posted to Federal eRulemaking Portal  
OMB Control No. 1615-0096  
eDocket ID USCIS-2006-0013

Dear Ms. Deshommes:

RE: Support of Genealogy Forms G1041 and G1041A to Simplify and Improve the Process for Staff thus Benefiting Genealogists

The Records Preservation and Access Coalition supports any improvements which make the service to genealogists more timely and the process more efficient, thus potentially lowering the costs charged to genealogists.

The Federal Register, Vol. 86, No. 227 on Tuesday, November 30, 2021 includes under Overview of This Information Collection, Items (6) the total estimated annual hour burden associated with this collection is 3,384 hours and (7) the estimated total annual cost burden associated with the collection of information is \$339,855 which equates to an average of \$129.98 per request. This disclosure reveals that the proposed charges of more than \$600 in December 2019 were totally inappropriate and exorbitant.

We would also like to mention two other points important to genealogists. On files relating to individuals less than 100 years old, we understand the requirement to show proof of death for the alien. However, we do not understand the need to redact information about others mentioned in the file. We point out that the 1950 U. S. Census will be released 1 April 2022 after 72 years and will include information which USCIS may be spending time to redact such as: names and ages of head of household and all children; address; race; sex; marital status; state born or if foreign born, the country; naturalization status; for persons over 14 years of age, were they working, type of work, and hours worked last week; income last year; and more. Other government agencies

such as NARA treat this as historical information with less strict privacy rules. The time spent on redacting each file could be reduced thus lowering the costs and fees charged.

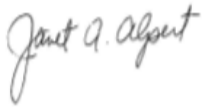
RPAC continues to encourage the transfer of the older files to the National Archives in compliance with current or new record transfer schedules which would provide genealogists with easier access to the older records.

The Records Preservation and Access Coalition (RPAC) is sponsored by the National Genealogical Society and the International Association of Jewish Genealogical Societies and supported by the Association of Professional Genealogists (APG), the Board for Certification of Genealogists (BCG), the the International Commission for the Accreditation of Professional Genealogists (ICAPGen) and the American Society of Genealogists (ASG).

The genealogical societies and professional organizations listed above represent several thousand local, state, and regional societies, with more than 400,000 members researching family history, and over 2,000 professional and forensic genealogists. Professional and board-certified genealogists perform important work which includes tracking relatives with possible inheritable diseases; working with coroners to identify unclaimed persons; finding next of kin of unclaimed persons for repatriation of military remains; conducting heir research; proving Native American tribal membership; assisting in adoption cases; investigating land disputes; and researching oil and gas leases.

Thank you for providing an opportunity for one of your larger user groups to provide a response.

Sincerely,

A handwritten signature in cursive script that reads "Janet A. Alpert".

Jan Alpert, Chair  
Records Preservation and Access Coalition

31 January 2022

Re: Docket ID USCIS-2006-0013

Dear Ms. Deshommes and others at USCIS:

I write to you as a professional genealogist, old records advocate, and 20<sup>th</sup>-century immigration researcher. I lecture frequently about the records held by the USCIS FOIA and Genealogy Programs, and order these records on behalf of clients on a weekly, if not more frequent, basis. I am also the founder of the Records Not Revenue campaign, started in opposition to the proposed 2019 USCIS fee hikes (84 FR 62280), a campaign which garnered both Congressional attention and international press. My comments below are in relation to the “Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Genealogy Index Search Request and Genealogy Records Request” on the *Federal Register*, OMB Control Number 1615-0096 and Docket ID USCIS-2006-0013.

I would also refer you to my lengthy response to the 2019 proposed rule (84 FR 62280) to raise fees across various USCIS forms (<https://www.regulations.gov/comment/USCIS-2019-0010-9888>) and to my response to the request for public input in May 2021 (USCIS-2021-0004) (<https://www.regulations.gov/comment/USCIS-2021-0004-7146>). While those comment periods requested slightly different input, they are very relevant to this current request for input in that they clarify my thoughts on the function and utility of the Genealogy Program. I will also add that, while hundreds or even thousands of comments have been submitted via the *Federal Register* since 2019 specifically in regards to the Genealogy Program, USCIS remains silent and opaque in regards to their old records, except when it comes to the need to extend the forms related to this current call for comments.

On its face, I approve of the proposed extension of this collection of information, as it is currently the only way to access most of USCIS’ historical record series – C-Files, A-Files numbered below 8 million, Visa Files, Registry Files, and Alien Registration Forms. However, USCIS suggesting that these forms “provide a timelier response to requests” and “provide rapid identification of such requests and ensures expeditious handling” is simply false. The current wait time for a record request from the Genealogy Program is an average of 185 business days – over nine months. The current wait time for a Track Two A-File request via FOIA is 34 business days – one-and-a-half months. The egregious discrepancy between the two, especially when considering that many records requested through the Genealogy Program are already digitized in MiDAS, is just staggering.

Provided that USCIS does continue these forms, as this comment period suggests they wish to, I suggest the agency allow for requestors to upload proofs of death for *all* record requests via Form G-1041A, and not just for subjects born less than 100 years ago. USCIS is ruthless in its redactions and application of (b)(6) exemptions, and any mere mention of a spouse or child or other relative who *may* have been born less than 100 years ago is redacted prior to the release of the record. This can be overcome with the submission of proofs of death of those individuals, but these currently must be emailed to the Genealogy Program after the case is created. In many cases, for one reason or another, the proofs of death emailed to the Genealogy Program never make it into the case notes, and the files are redacted anyway prior to their release. In several cases, I have had to re-request files three or four times for them to be issued without redactions – creating frustration for me as the customer **and** more work for the Genealogy Program, who is already egregiously behind. Currently,



the request form auto-populates a section with the ability to upload up to 5 proofs of death *but only* when the immigrant's date of birth entered is less than 100 years ago. When inputting an estimated date of birth, text on screen even suggests "You may also wish to provide the proof of death of the immigrant's sibling(s), spouse(s), and child(ren)." It is a known quantity that these proofs of death will help prevent redactions, but yet the agency does not provide an option to upload them for all requests. It is imperative that the agency address this issue in their information collection so requestors who are paying good money for records can receive as much information as possible.

The form should also not require an exact date of birth when a requestor is inputting an estimated date of birth. It might be that the known estimated date of birth is January 1915, but yet the form will not accept a request that does not input a specific date (i.e., January 10, 1915). If the searchers then use that estimated birthdate as an exact birthdate to search, it may lead to inaccurate or incomplete results.

Additionally, though the Genealogy Program's website suggests there are paper forms that can be printed and mailed for G-1041 and G-1041A, that is currently nowhere to be found. If an individual does not have access to a private computer, and/or prefers to submit a form in the mail, there should be the option for them to do so. This should also be remedied.

The very existence of the Genealogy Program itself has been lately called into question due to nearly all of its requests being funneled through the FOIA Program prior to release, even though FOIA requests should be handled differently and incur no charge. Please see *Reclaim the Records and Alec Ferretti v. United States Citizenship and Immigration Services*, case number 1:2021cv06397, filed in the Southern District of New York. If the agency insists on the continuation of these forms, and thus the continuation of the Program, it should also address these concerns.

As I have previously noted in a comment to USCIS, this agency consistently shows that it does not care about its historical records and yet it refuses to give up these records. (Read: USCIS is specifically asking for comments to extend the use of the forms through which continues the existence Genealogy Program.) If these records are such a burden to USCIS to process and make available, why not transfer these records to the National Archives – an agency dedicated to preserving and providing access to historical records? And if USCIS continues to maintain their records instead of transferring them to the National Archives, as the continuation of this form does for several more years, the agency should explain what prevents them from doing so and why they believe that the USCIS Genealogy Program, instead of the National Archives, is the right place for the safekeeping of their historical records.

Thousands of other genealogists and family historians and I anxiously await your reply.

Respectfully submitted,



Rich Venezia  
PO Box 507  
Philadelphia, PA 19105-0507  
[rich@richroots.net](mailto:rich@richroots.net)





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## PUBLIC SUBMISSION

# Comment Submitted by Alec Ferretti

Posted by the **U.S. Citizenship and Immigration Services** on Feb 1, 2022

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Comment

OMB Control Number 1615-0096

Docket ID USCIS-2006-0013

The G-1041A form is part of the USCIS Genealogy Program, which according to the agency, “is necessary to provide a timelier response to requests for genealogical and historical records.” Specifically, this form “provides a convenient means for persons to identify a particular record desired under the Genealogy Program. The forms provide rapid identification of such requests and ensures expeditious handling.” This is flatly untrue. The form, at least in its current iteration, is problematic, because it compels FOIA requestors to unlawfully pay a fee for certain types of agency records which are subject to the Freedom of Information Act, and the fee structure described therein, without providing any of the benefits

the agency pretends exist. Despite USCIS' claims, the processing time for records under the Genealogy Program is actually less expeditious than those under FOIA. Requests made via the G-1041A cost \$65, and take approximately one year to fulfill, while under FOIA, requests must be processed within 20 business days, and generally, no fee may be assessed, so long as the request is small enough, which nearly all requests under the G-1041A would be. As per *Nightingale et al. v. USCIS et al*, the agency was specifically ordered by the Northern District Court of California to produce A-Files pursuant to FOIA requests within 20 business days. In fact, the agency has done a decent job of sticking to this timeline: FOIA requests for most A-Files are fulfilled within a month or so. However, one of the types of records that USCIS refuses to process via FOIA, and will only process via the G-1041A is A-Files numbered up to 8 million. While these are A-Files as much as any other A-File is, the agency repeatedly violates this court order by not only refusing to process the requests via FOIA, but then by forcing requestors to pay a \$65 for the document, and making them wait up to a year for the copy. The form should not require fees to ever be paid, but in the case of these A-Files, the agency is specifically violating a court order by doing so.

The call for public comment asks for the public to weigh in on if "the proposed collection of information is necessary for the proper performance of the functions of the agency." This information is not necessary, nor is the form necessary. The agency is already compelled to process these records requests via FOIA, and the form that exists for that purpose, the G-639. The existence of the G-1041A is purely a cash grab to extort money from the public. If the agency wanted to create a pipeline whereby the public could pay a fee to expedite processing of requests, this is not inherently unlawful, so long as the public also has the option of requesting the same records via FOIA. However, the agency does not make it clear on the form that the records are subject to FOIA, nor do they admit this at all unless prompted by a US Attorney. Please see *Reclaim the Records and Alec Ferretti v. United States Citizenship and Immigration Services*, case number 1:2021cv06397, filed in the Southern District of New York. The G-1041A is inherently problematic, as the agency has swindled requesters out of millions of dollars that they should not have been required to pay.

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## PUBLIC SUBMISSION

# Comment Submitted by Jennifer Mendelsohn

Posted by the **U.S. Citizenship and Immigration Services** on Feb 1, 2022

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Comment

I am a professional genealogist based in Baltimore.

One concern about the Genealogy Program index search request form is the ability to note any discrepancy in country name -- for many of the cases I work on, borders were fluid and the country the immigrant was born in was not what it was called when he or she naturalized and/or filed an AR-2, etc. There should be a way to note that in case the "country of birth" doesn't match what's in the records.

Also, many of the immigrants I am requesting info on have no exact known date of birth. There should be a way to just put in an estimated year.  
Thanks for this opportunity.

Jennifer Mendelsohn

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## PUBLIC SUBMISSION

# Comment Submitted by Kelly Barbano-Bodami

Posted by the **U.S. Citizenship and Immigration Services** on Feb 1, 2022

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Comment

31 January 2022

Re: Docket ID USCIS-2006-0013

I write as a professional genealogist one who specializes in Italian Genealogy, particularly among the late-19th and 20th century Italian diaspora. Most of my clients are seeking dual citizenship with Italy, and such, are required to furnish proof of naturalization, alien registration, or non-naturalization. I frequently order records from USCIS when I cannot obtain immigration and naturalization records from quicker sources, such as local courts or the National Archives.

In its current form, the USCIS Genealogy Program is nothing more than an absolute failure. Given the remarkably long wait time to fulfill requests

made via these forms, the use of these forms should be discontinued or changed to be more effective. All changes made should be aimed with eliminating the wait times. The claim that these forms provide a timely response to requests is a blatant lie. The genealogy program office claimed in June 2021 that new staff had been hired and was in the process of being trained, but since that time, the response to record requests has actually increased instead of decreased. For an example, just today I received records that were ordered on 6 April 2021 and 13 April 202 - a shocking 204 and 199 business day response time, respectively.

With Form G-1041, or the Genealogy Index Search Request, I've seen numerous instances of results that are either a false negative or a false positive. In the case of the false negatives, results are returned with no responsive records found when the record was located through local court records. In these situations, the information on the records found locally matched exactly with the information provided initially for the search. For the false positives, index search results have returned responsive records, but the record is for a naturalization that occurred after the search subject died; lived in a completely different area of the country; or had a date of birth that was more than 10 years different from the search subject. Why bother asking for any of the information on the G-1041 if key parts such as date of death or geographic region is to be ignored? In these cases, the requestor simply has no recourse for the faulty search returns – essentially \$65 is wasted. The Genealogy Program will not redo the search, which is understandable in situations where no records are found, but absolutely egregious when a responsive record is found that doesn't match the search parameters on the form.

Form G-1041A is more of a frustrating form for me to use, particularly as it pertains to preventing redactions. Most of the files that I order are for those immigrants who were born more than 100 years ago, so I am never given the option to upload proof of death for anyone who may be mentioned in the file despite the instructions encouraging the submission of those death records. I believe that the option to upload the death records at the time of ordering could eliminate frustrating situations in which the information about the immigrant's child is redacted – information that is needed in the case of dual citizenship. By not having the option to upload at the time of submission, it further delays an already long wait time to obtain the needed records.

If the forms are kept as they stand now, the pdf versions of the actual forms should be placed in an easy to locate section on the Genealogy Program portion of the USCIS website. Right now, the only way to access the forms is through the Forms section of the main USCIS website. This is a barrier to access that needs to be eliminated. Not everyone has a private computer or credit card in which to order records, and they should have the same level of access.

Sincerely,

Kelly Barbano-Bodami

**Comment ID**

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## PUBLIC SUBMISSION

# Comment Submitted by Linda Okazaki

Posted by the **U.S. Citizenship and Immigration Services** on Feb 1, 2022

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Thank you for the opportunity to make comments regarding the Genealogy Program forms G-1041 and G-1041A. There are two issues which make the process of ordering records cumbersome. First, I cannot see how to upload proofs of death for additional family members when someone was born more than 100 years ago. Second, it is confusing to have to put in a specific date of birth when that date is estimated.

The materials in the genealogy program are vital to my work as a genealogist. It would make sense to have the forms be more flexible and easier to use, especially for those of us who rely on obtaining these documents for our clients.

Sincerely,  
Linda Okazaki

**Comment ID**

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## PUBLIC SUBMISSION

# Comment Submitted by Margaret Fortier

Posted by the **U.S. Citizenship and Immigration Services** on Feb 1, 2022

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The USCIS Index Search Request form requires an immigrant's exact date of birth. This information is not always available. An option for a date range should be allowed. The same flexibility should be allowed for the immigrant's date of arrival. Many people may know an approximate timeframe. This would be more precise than <1906; 1906-1924; 1924-1940; after 1940. A question could be added on marital status.

### Comment ID

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