



City of Nashua

Office of the City Clerk

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cc: OMB USCIS Desk Officer (Fax: 202-395-6974)
Steve Wurtz, Acting Registrar, NH Division of Vital Records Administration,
United States Senators Judd Gregg and Jeanne Shaheen (NH)
United State Senators Edward Kennedy and John Kerry (MA)
From: Paul R. Bergeron, City Clerk
Re: **OMB Control Number 1615-0082**
Date: June 1, 2009

The purpose of this communication is to respond, during the extended public comment period, to OMB No. 1615-0082, revision of Form I-90, and to the documentation requirements recently published in the updated Form I-90 instructions, rev. 04/16/09.

The proposed changes were announced in an *Update* posted 04/28/09 (AILA InfoNet Doc. No. 09042861) as changing "filing location and filing instructions...to submit supporting documentation with...applications..." to replace a permanent resident card. The actual implementation of these revisions, however, included a change in the required documentation which will create an unnecessary burden on a number of states and/or residents. The specific language to which I refer appears below, in bold type (page 2, *Form I-90 Instructions*):

2. Corrections or Change in Biographical Data

If you are applying to replace a card because of a name change, you must submit a copy of the original court order **or a certified copy of your marriage certificate reflecting the new name.** To replace a card because of a change of any other biographic data, you must submit copies of documentation to prove that the new data is correct.

The State of New Hampshire does not include a bride's chosen married name on the certified record of a marriage. A number of other states including, but not limited to, Alaska, Connecticut, Florida, and Maryland also do not include a bride's chosen married name on the certified record of a marriage.

As such, this requirement will impose a financial burden on an unknown number of State Bureaus of Vital Records to adapt forms, software applications, and/or databases to produce certificates which meet this requirement or it will impose a financial burden and unnecessary hardship on couples who must now, in the alternative, obtain a legal name change in order to produce the USCIS-required evidence "reflecting the new name."

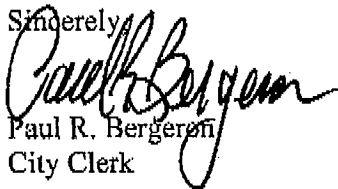
This problem was brought to my attention by a Massachusetts couple who were married here in Nashua, NH on May 24, 2008. The bride has a Phillipine passport. When the couple went to the Massachusetts Department of Motor Vehicles to have her name changed on her driver's license, DMV told her that she must first change her name with Social Security. When they went to Social Security, they were told she must first change her name with Immigration. Because the New Hampshire *Certified Record of Marriage* does not reflect her chosen married name, Immigration would not make the name change. The only option this couple has, in order to meet the new USCIS requirement, is to go to Court for a legal name change.

While this was my first exposure to the new requirement, I am certain that this problem will be encountered again and again in many states as the new USCIS requirements are imposed upon I-90 applicants who wish to assume a husband's name but whose legal, certified record of marriage does not include the new name that the bride will use after the marriage ceremony.

The requirements pertaining to *Corrections or Change in Biographical Data*, which appear in the Form I-90 instructions, should be re-written to reflect the manner in which states actually issue Certified Records of Marriage, not in the manner which USCIS would *like* them to issue those records. That could be achieved by amending the first sentence as follows: "If you are applying to replace a card because of a name change, you must submit a copy of the original court order reflecting the new name or a certified copy of your marriage certificate."

Thank you.

Sincerely,


Paul R. Bergeron
City Clerk