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From: Jeffrey Feinbloom [jeffrey@fbllp.com]
Sent: Wednesday, November 25, 2009 10:57 AM
To: rfs.regs@dhs.gov
Subject: Public Comment re: Form I-212 / OMB Control No. 1615-0018

We have three comments that concern whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility, as well as minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, as follows:

- (1) The proposed revision of Form I-212 is long overdue. We believe that the practical utility of the collection of information relating to the proposed revision far outweighs any burden on respondents, particularly in light of the wisdom of allowing parties to respond via email. Bravo.
- (2) The instructions to Form I-212 must be clarified so that applicants and counsel know where the I-212 must be filed and which office will be adjudicating the application. For example, it appears that a stand-alone I-212 must be filed with the local district office. Yet, processing times for I-212 applications, and published decisions on record before the AAO, appear to reflect that the regional service center is responsible for adjudication. This is confusing. Moreover, USCIS does not post processing times online for I-212 applications before the local district office, only the service center(s), which leaves the public in the dark and without any reasonable expectation as to when the application will be adjudicated. This problem is further compounded by the facts that: (A) at least one local district office (i.e. Newark, NJ) neglects to issue a formal Receipt Notice, containing a unique case number, once the I-212 is filed; and (B) the public may have no meaningful way of inquiring about the status of the application (i.e. written status inquiries are ignored and phone calls are not accepted by the office mentioned above).
- (3) We propose--for the sake of uniform application of law, the integrity and efficiency of the adjudicatory process, and the proper and lawful functioning of the agency--that all I-212 adjudications be concentrated with the service centers--or even one or two service center(s) with particularized expertise (much in the way I-129s and I-140s are processed)--rather than assigned to local offices throughout the country. This should not only greatly improve public service and the quality and efficiency of adjudications, but also significantly reduce the burden on often overwhelmed and understaffed local offices.

Thank you.

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4/21/2010