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

Submitted via : www.regulations.gov
e-Docket ID Number: USCIS-2007-0024

**Re: 60-Day Notice of Information Collection: Revision of a
Currently Approved Collection—Form I-360, Petition for
Amerasian, Widow(er), or Special Immigrant
OMB Control No. 1615-0020
77 Fed. Reg. 65704 (Oct. 30, 2012)**

Dear Regulatory Coordination Division Chief:

The American Immigration Lawyers Association (AILA) submits the following comments in response to the Department of Homeland Security's (DHS) Notice of Information Collection: Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, published in the Federal Register on October 30, 2012.

AILA is a voluntary bar association of more than 12,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. The organization has been in existence since 1946. Our mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, U.S. lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. We appreciate the opportunity to comment on the Notice of Information Collection and believe that our members' collective expertise provides experience that makes us particularly well-qualified to offer views on this matter.

Introduction

U.S. Citizenship and Immigration Services (USCIS) states that it is revising Form I-360 and the accompanying instructions in order to add additional data fields related to passport and travel document information captured by CBP at the port-of-entry so that USCIS can search TECS and ADIS to verify status in the United States. In addition,

USCIS is adding clarifying language in the Religious Denomination Certification.

Form I-360 and Instructions: Part 3—Information about the Person for Whom This Petition Is Being Filed

The proposed I-360 continues to request the I-94 Arrival Departure Record Number but adds several additional fields. Question 13 is amended to read:

- a. Date of Arrival
- b. I-94 Number
- c. Passport Number
- d. Travel Document Number
- e. Country of Issuance for Passport or Travel Document
- f. Expiration Date for Passport or Travel Document
- g. Current Nonimmigrant Status
- h. Current Status Expires

“If Applicable” Language: The instructions state that the applicant should “complete all sections.” The phrase “if applicable” should be added to the form and the instructions where necessary to make it clear that not all responses in Question 13 will be applicable to every person.

Travel Document Number: The request for a Travel Document Number is new to the I-360. The term “Travel Document” should be defined in the instructions.

Country of Issuance and Expiration Date of Passport or Travel Document: The instructions ask the petitioner to provide the country of issuance and expiration date for the passport or travel document used upon the person’s last admission into the United States. However, the I-360 asks for the country of issuance and expiration date for the passport or travel document without reference to the person’s last admission. The form and instructions should be consistent.

I-94 Number: The instructions indicate that the person may have received an I-94 upon admission and if CBP did not provide an I-94 card, a print out of the Form I-94 may be obtained according to instructions provided by CBP. Until this process is tested and rolled out by CBP, USCIS should continue to utilize the current version of the form and instructions, to avoid unnecessary confusion about the process for obtaining a print-out.

Nonimmigrant Status: The I-360 refers to the applicant’s “Date of Arrival,” (Question 13.a.), and “Current Status Expires,” (Question 13.h.). However the instructions refer to the “Date of Admission” and “Date That the Authorized Stay Expired or Will Expire.” The instructions and the I-360 should use the same terms to avoid confusion.

Form I-360: Part 7—VAWA Self-Petitioners

Section B. Question 4: This question currently assumes that the self-petitioner and abuser lived together for only one single period of time. In reality, however, many VAWA petitioners live with their abusers for multiple periods punctuated by separations. This question should be rephrased to read: “List all periods of time that you lived with the person named in Section A. If you lived with the person for more than one period of time, include the additional periods on a separate sheet of paper.”

Section B. Question 6: This question should be reworded to provide clarity: “Give the last address at which you lived together with the person named in Section A, and the date you stopped living with that person at that address.”

Part 8: Religious Denomination Certification: On Page 9 in the signature block, add “Name of” prior to “Attesting Religious Organization.”

Part 9: Information About the Spouse and Children of the Person for Whom This Petition Is Being Filed: Language should be added to this section to clarify that the petitioner should include biological, step-, and adopted children.

Part 11: Signature of Person Preparing Form: Several more spaces should be added between “Attorney or Representative” and “Signature and Date.” In addition, boxes should be added around the signature, date, name, e-mail, and firm name fields (similar to the current version of the form). This will increase readability and ensure that all fields are completed.

Conclusion

We appreciate this opportunity to comment on Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant and the accompanying instructions.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION