



AMERICAN  
IMMIGRATION  
LAWYERS  
ASSOCIATION

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Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Policy and Strategy  
Regulatory Coordination Division  
20 Massachusetts Avenue, NW  
Washington, DC 20529-2140

**Submitted via e-mail:** [USCISFRComment@uscis.dhs.gov](mailto:USCISFRComment@uscis.dhs.gov)  
**Docket ID USCIS-2008-0008**

**Re: OMB Control Number 1615-0101**  
Agency Information Collection Activities: Document Verification Request and  
Supplement, Form G-845; Revision of a Currently Approved Collection

To Whom It May Concern:

The American Immigration Lawyers Association (AILA) submits the following in response to the request for public comment from the Department of Homeland Security on its Notice of Information Collection, proposing revisions to Form G-845, published in the Federal Register on September 26, 2014.<sup>1</sup>

AILA is a voluntary bar association of more than 13,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. Since 1946, our mission has included 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 commend DHS for seeking to improve data collection regarding the immigration status of applicants for state or federal benefits and submit the following comments.

### **Proposed Changes to Instructions Form G-845 Supplement**

#### Page 1, "General Instructions"

The proposed instructions to Form G-845 instruct the agency submitting the form to provide copies of the applicant's "most recently issued immigration documentation." AILA recommends

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<sup>1</sup> 79 Fed. Reg. 57048-57949 (Sept. 26, 2014), 60 Day Notice of Proposed Information Collection: Document Verification Request and Supplement, Form G-845, OMB Control Number: 1615-0101, *published on* AILA InfoNet at Doc. No. [14101754](#) (posted Oct. 17, 2014).

that all relevant documents bearing on the applicant's immigration status or admission should be submitted with Form G-845. We believe that the submission of additional documentation may be of value in situations where the Systematic Alien Verification for Entitlements (SAVE) database may not reflect the applicant's most current information.

For example, in a scenario where an applicant's name may have changed since the last date of U.S. entry, the data in SAVE from the applicant's U.S. Customs and Border Protection (CBP) I-94 record may reflect a different last name than the name appearing on the applicant's most recent USCIS-issued I-797 Notice of Action. If both a copy of the prior I-94 record and current I-797 were submitted with the G-845, this might assist in verifying the applicant's identity and status.

Because documentation other than the most recent record may sometimes be beneficial in tracing an applicant's immigration history through SAVE, we suggest that the proposed instruction regarding the submission of copied documents be modified to read:

**Copies.** Submit copies (front and back) of the applicant's most recently issued immigration documents and any other immigration documents bearing on the applicant's immigration status or admission. Ensure that copies are legible and made from original documents.

Page 2, Part I, Item Number 10, "Registered Agency Comments"

The proposed form contains an optional comments box in which the submitting agency may include additional information about the immigration verification request. AILA suggests that "alternative country of citizenship" be added to the list of sample information, as this information may be useful when attempting to identify the immigration status of an applicant who may have used one of several passports when entering the U.S.

**Proposed Changes to Form G-845**

Page 2, Section B, Part 2, "USCIS Response"

Currently, this section of the form provides a space for USCIS responses and lists a series of 20 optional statuses that the applicant may hold. USCIS should amend this section of the instructions to specify whether or not each of the statuses constitutes lawful presence or a period of stay authorized by the Attorney General. This is particularly valuable information for agencies such as state Department of Motor Vehicles (DMV) that are only permitted to grant driver's licenses to individuals who are lawfully present in their jurisdiction. In some instances (e.g., U.S. citizen), lawful presence may be presumed but, in other situations, the state agency might not be expected to know whether the immigration status information provided means that the individual is lawfully present.

For example, the fifth option on the list is “Applicant has an application pending for the following USCIS benefit: \_\_\_\_\_”. A person with a pending I-485 Adjustment of Status application, for example, is in a period of stay authorized by the Attorney General and is lawfully present. By including this additional information as part of the response to the form, the requesting agencies would be better prepared to determine the eligibility for a driver’s license in those states where lawful presence is required for license issuance.

### **Conclusion**

AILA greatly appreciates the opportunity to provide comments and suggestions on the proposed changes to Form G-845. Thank you for your attention to this matter.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION