

PUBLIC SUBMISSION

As of: January 06, 2015 Received: December 17, 2014 Status: Posted Posted: December 17, 2014 Tracking No. 1jy-8g3w-g0c5 Comments Due: December 22, 2014 Submission Type: E-mail
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Docket: USCIS-2007-0024

Agency Information Collection Activities: Form I-360, Extension of a Currently Approved Information Collection; Comment Request

Comment On: USCIS-2007-0024-0035

Agency Information Collection Activities: Petition for Amerasian, Widower, or Special Immigrant, Form I-360; Revision of a Currently Approved Collection

Document: USCIS-2007-0024-0042

Comment Submitted by Allison Posner, Catholic Legal Immigration Network, Inc.

Submitter Information

Name: Allison Posner

Address:

8757 Georgia Avenue

Suite 850

Silver Spring, MD, 20910

Phone: 301-565-4800

Fax: 301-565-4824

Organization: Catholic Legal Immigration Network, Inc.

General Comment

See Attached

Attachments

Comment Submitted by Allison Posner, Catholic Legal Immigration Network, Inc. (Attachment 1)

Comment Submitted by Allison Posner, Catholic Legal Immigration Network, Inc. (Attachment 2)

December 16, 2014

DHS
USCIS
Office of Policy and Strategy
Chief, Regulatory Coordination Division
20 Massachusetts Avenue N.W.
Washington, DC 20529-2140

Submitted via email to USCISFRComment@uscis.dhs.gov, Docket ID USCIS-2007-0024

RE: OMB No. 1615-0020—Petition for Amerasian, Widower, or Special Immigrant, Form I-130; Revision of a Currently Approved Collection

To Whom it May Concern,

The Catholic Legal Immigration Network Inc. (CLINIC) respectfully submits the following comments regarding the proposed changes to Form I-360, Petition for Amerasian, Widower, or Special Immigrant. CLINIC assists Catholic archdioceses, dioceses, and religious communities as they navigate the complexities of immigration law by offering consultations and legal advice and preparing immigration petitions and applications. CLINIC represents hundreds of religious workers each year.

As an organization that works closely with both religious workers and the United States Citizenship and Immigration Services (USCIS), CLINIC appreciates the changes USCIS is considering for the I-360 form to make it more efficient and less time consuming. However, CLINIC urges USCIS to reconsider some of the recommendations. Our comments are laid out below, divided by section.

Changes to Form I-360

Part 2. Classification Requested

Item: *D*.

In addition to asking if the beneficiary will be working as a “minister” (yes/no), CLINIC suggests including the options of checking “religious vocation” and “religious occupation.” This will help the adjudicator immediately recognize the type of case that is being presented. Perhaps listing the three categories with check boxes would be clearer than listing each with a yes/no option.

Part 9. Complete Only If Filing Special Immigrant Religious Worker Petition

Item: 10.

USCIS recommends amending the language of this information request to remove the language “*If the position is not a religious vocation*, the prospective employee will not engage in secular employment...” Instead, this version of the form simply asks if the beneficiary will engage in secular employment, yes or no. The question has always been a bit confusing to applicants who have vocations, as individuals with religious vocations are not prohibited from engaging in secular activities. For example, CLINIC represents many religious brothers and sisters who work as nurses, teachers, lawyers, parish administrators, and other secular professions. CLINIC is concerned that a “yes” response might lead to delays in case processing or unnecessary requests for evidence (RFEs). Currently, if the beneficiary is in a religious vocation CLINIC recommends that applicants respond “N/A. The beneficiary is a vowed religious sister and the position is a religious vocation.” In this way, applicants can avoid the confusion caused by secondary secular activity. The wording of this question will require applicants to affirmatively answer questions regarding their permitted secular activity, which will inevitably lead to confusion.

Part 11. Petitioner’s Statement, Contact Information, Acknowledgement of Appointment at USCIS Application Support Center, Certification, and Signature

Item: Acknowledgment of Appointment at USCIS Application Support Center

This is a new requirement for the petitioner to submit to biometrics in order to re-verify the information contained in the petition. Sponsors in other employment-based categories are not required to submit to biometrics. CLINIC is concerned that such a requirement will deter employers from filing immigrant petitions. It is invasive and intrusive for USCIS to begin collecting the biometric data of U.S. citizens in this manner.

In addition, it is not unusual for the original signer of a petition to depart or change positions within the organization and a new authorized official to take his/her place. The process of collecting biometric data of the beneficiary (or self-petitioner) should continue to be reserved for the I-485 Adjustment of Status application process. This requirement seems duplicative and an unnecessary expense. CLINIC is concerned that this additional ASC appointment may increase the total costs of filing the I-360.

Item: Petitioner’s Certification

The requirement that petitioners “authorize the release of any information from *any and all of my records* that USCIS may need...” (emphasis added) is overly broad. By signing, the petitioner must further authorize the federal government to release the information it gathers to other entities. The language should mirror that of I-140 petitions, in which employers “authorize [USCIS] to release to other government agencies any information *from my USCIS records*, if USCIS determines that such action is necessary to determine eligibility...”). Again, CLINIC is greatly concerned that the scope of this part of the certification will deter religious organizations from filing I-360 petitions. Legal counsel for religious organizations would be remiss not to warn their clients about this requirement.

CLINIC is also concerned with the effect this language would have on site visits. With this release, a fraud investigator visiting a parish could request a list of all parishioners and staff (names, addresses, etc.). This is burdensome and overly broad.

Part 13. Preparer's Statement

Item: 7. B.

It is not clear what "extends/does not extend beyond the preparation of this petition" means. We urge USCIS to clarify this language both on the form and in the accompanying instructions. CLINIC often represents petitioners and beneficiaries in both the immigrant petition and the adjustment of status application. Is this the information the question is seeking?

Item: 7. Preparer's Certification

The last sentence of the paragraph references the ASC appointment for the petitioner and includes the statement: "I have also *read* the Acknowledgement...to the petitioner..." (emphasis added). This is a new requirement that is burdensome to employers and legal representatives, and CLINIC urges that it be removed.

Thank you for your consideration of these comments. Please do not hesitate to contact CLINIC's Director of Advocacy, Allison Posner, at 301-565-4831 or aposner@cliniclegal.org, with any questions or concerns about our recommendations.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne M. Atkinson".

Jeanne M. Atkinson
Executive Director