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November 19, 2015

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 20529-2140

Re: OMB Control Number 1615-0012, Docket ID USCIS-2007-0037
Petition for Alien Relative, Form I-130, and Form I-130A; Revision of a Currently
Approved Collection

To Whom It May Concern:

I filed Form I-130 earlier this year, and I encountered a number of problems in my case, which USCIS can prevent by further revising the proposed form. USCIS has also introduced new problems on this form. I have organized the issues first by form, and then by part in order of importance. At the end, I provide a description of my experience filing a previous version of this form. My chief recommendation is that the form be electronic.

INSTRUCTIONS FOR FORMS I-130/I-130A

Address Change (p. 7)

This section should have specific instructions for customers living outside the United States. The current instructions are incorrect for such customers.

They direct the customer to www.uscis.gov/addresschange, which tells them to change the address “via our Online Change of Address page or by calling 1-800-375-5283.” The Online Change of Address feature could not accept my address outside the United States.

By telling all customers to contact the NCSC, the I-130 instructions contradict 1 USCIS-PM A.3, footnote 1: “Customers located outside of the United States should direct their inquiries to the overseas USCIS field office with jurisdiction over their place of residence.” The NCSC, whose number is given both in the instructions and in the link, could not handle my and the beneficiary’s address outside the United States.

It is still not clear, though, if the overseas field office would have been able to change our address, as the case was never there. I ended up writing the service center per the NCSC’s instructions, which thankfully worked. **USCIS should determine the best available address change procedure for customers abroad and include it in this section.**

USCIS Forms and Information (p. 9)

This section suffers from the same problem as above. Again, the NCSC cannot serve those outside the United States. And when I checked InfoPass to see what would happen, it offered to schedule me for an appointment at a field office in a neighboring country.

(This problem is systemic, as my Form I-797C receipt notice also said to call the NCSC with any questions, even though it was mailed to my foreign address. The instructions for other forms that may be filed from abroad make the same mistake.)

General Requirements, Item 5.A (p. 6)

Item 5.A(5) requests “affidavits sworn to or affirmed by third parties.” This entails that the third parties appear before a notary, as I had my own third parties do. This need not be the case. Instead of sworn affidavits, USCIS should collect certifications under penalty of perjury from the third parties, as they do not require the trouble and fees of notarization and have the same legal effect, pursuant to 28 USC 1746.

Somehow, this was implemented in Item 7.D (p. 8), which called for an affidavit in former versions and now calls for such a certification, but was overlooked in this item.

Finally, there are two lists in this item, one numbered 1-3, and the other 1-6. These should either be combined into a single list (as in previous versions), or placed under two different lettered subheadings, so that they are easier to reference.

FORM I-130Part 4, Item 51 (p. 8)

Is this to be a physical address or a mailing address? If the beneficiary lives outside the United States, Item 6 is a duplicate of Item 51. If the beneficiary lives inside the United States, it is not clear how they can complete Item 51 at all.

This problem is inherited from Items 2 and 19 from the current version (03/23/15). I myself had to write the beneficiary’s address twice, for no apparent reason. In the absence of an explanation, the form should do away with the item. If the form must include it for some reason, the directions should say, “Provide the beneficiary’s address outside the United States. If the beneficiary has no current address outside the United States or one has already been provided in Item 6, leave Item 51 blank.” In this case, every filer could technically leave the item blank, so again, the form should omit it.

Part 4, Items 52-54 (p. 8)

These items should be moved to the very end of Part 4, under the heading “Beneficiary’s Contact Information,” where filers are less likely to mistakenly associate them with Item 51, the address outside the United States, if that item is retained.

Part 4, Items 53-54 (p. 8) & Part 6, Items 4-5 (p. 9) – Contact Information

USCIS is to be praised for apparently integrating Form G-1145 into this form.

I hope that USCIS notifies the NVC of the addition of email addresses to the I-130, so that the NVC can send welcome letters by email, instead of by paper mail. The email's presence directly on the petition should be fully utilized. When my petition was sent for consular processing, the NVC sent its first correspondence to a mailing address, even though the NVC prefers to send emails. I had to give the NVC both petitioner and beneficiary's email addresses by phone for future correspondence.

Part 4, Item 26.d. (p. 6) This item is misnumbered as 28.d.

Part 1, Items 1-3, etc. (p. 1)

One can easily imagine this form becoming much clearer if it stuck to a first-person, declarative format in the actual items, as seen in Part 6. The proposed form dithers between first-person statements and second-person questions and commands. Forms should reserve the second person for directions, which would be set aside in a different typeface. This part is a good example. For instance, Part 1 could begin roughly as follows:

Select only one box for each item.

- 1.a. I am filing this petition for my...
 - A. [] spouse.
 - B. [] parent. I am the child.
 - C. [] child.
 - D. [] brother or sister.
- 1.b. *Complete this item only if you selected box B or C above.* The child...
[] was born to parents who were married to each other at the time of the child's birth.
[] is a stepchild.
[] was legitimated before 18 years of age.
[] was born to parents who were not married to each other at the time of the child's birth.
[] was adopted, and was not an orphan or Hague Convention adoptee.
- 1.c. *Complete this item only if you selected box D above.* I [] am [] am not related to the beneficiary by adoption.

2....

Filers would appreciate the clarity and consistency this design offers, which is significantly less ambiguous than the current proposal.

Part 2, Items 11-12 (p. 2)

Again, Item 11 might be better off reformulated as a single-checkbox declarative statement, if it is necessary at all. The information in Item 11 should be self-evident from the completion or omission of Item 12 anyway, as the directions should make clear.

The current directions above Item 12 (“Provide your physical addresses.... Provide your current address first if it is different....”) may encourage petitioners to mistakenly not complete Item 13 as well, as it also forms part of “Physical Address 1.”

Part 2 (pp. 1-4)

On one hand, integrating the petitioner’s G-325A into the I-130 is good for spouse petitioners. On the other hand, non-spouse petitioners have not previously had to provide the biographic information formerly on the G-325A. USCIS must justify this new burden.

Part 3 (p. 4), & Part 6, Acknowledgement of Appointment at USCIS Application Support Center (p. 10)

This information and appointment has never before been required of any petitioner. USCIS owes all customers a clear explanation for this collection.

FORM I-130A

Items duplicate with Form I-130

The current edition of the form (03/23/15) requests a Form G-325A from the spouse, but allows the spouse not to “repeat on Form G-325A the information given on your Form I-130 petition.” USCIS appears to have taken a step backwards in the proposed revision, by requiring the spouse to repeat much of the information already given on the I-130. These redundancies are apparent:

I-130	I-130A
Part 4, Items 1, 2, 4	Part 1, Items 1-3
Part 4, Item 6	Part 1, Item 4
Part 4, Items 26, 27	Part 2, Items 1-4
Part 4, Items 52-54	Part 4, Items 3-5

Except perhaps for the applicant’s full name, requested in Part 1, Item 3, **the I-130A should not require information that has already been provided on the I-130.** Duplicate requests for information needlessly burden the applicant and invite more mistakes. If necessary, **USCIS may instead add language to the Spouse Beneficiary’s Certification whereby the spouse also states that he or she has reviewed and certifies as correct those items the petitioner has provided on the I-130 (listed above), which would otherwise have to be filled out in duplicate on the I-130A.** First, the redundant questions should be deleted or rephrased.

Items 1 and 2 of Part 1 should be deleted. Item 4 of Part 1 (current physical address) on page 1 could be deleted entirely, and Item 5 could be worded as, “I have lived at my current physical address, as stated on Form I-130, Part 4, Item 6, from (mm/dd/yyyy) [] to (mm/dd/yyyy) [].” The Address History directions should be adjusted accordingly.

Items 1-4 of Part 2 should not be the beneficiary’s current employer. The sentence “Provide your current employment first” should be replaced with “Your current employment is stated on Form I-130, Part 4, Items 26-27. Provide your second most recent employment first.” Then “Employer 1” should become “Employer 2,” and so on.

Items 3-5 of Part 4 should be deleted.

Finally, the end of the certification section could be changed as follows (first sentence below would appear before the final paragraph):

I have reviewed all the information about me in Part 4 of the Form I-130 that my spouse has completed and with which this form is included.

I certify, under penalty of perjury, that the information about me in the Form I-130, the information in this form....

Part 1, Item 8 (p.6)

Why does the beneficiary have to provide their last physical address in the United States even if it is already listed elsewhere on the form? **The only possible explanation is that USCIS would sooner burden the beneficiary with putting the same address twice than deduce the most recent foreign address from the addresses listed. This is not a good reason to burden customers.** Fortunately, if USCIS really needs filers to make it easy for them to find this address, there is an equitable solution.

The sentence “Provide your last address outside the United States for more than one year (even if listed above).” should be deleted. A question determining whether the beneficiary’s last physical address outside the United States for more than one year is already listed should follow, followed by instructions to distinguish the address if listed, perhaps by putting a star (*) before it, and to provide the address below if it is not.

There are probably many ways to distinguish the address without making filers write it twice. For example, the form could direct the beneficiary to number the addresses in the list (the first two are already numbered), and to respond with the number of the last physical address outside the United States.

Filers who have already given the address would no longer have to write the entire address and dates in duplicate. This not only saves the filer’s own time, but also eliminates the opportunity for accidental discrepancies between the two addresses, which USCIS would have to deal with.

COMMON TO BOTH FORMS I-130 AND I-130A

Address and employment histories

These sections appear on both the I-130 and I-130A. They also request specific dates instead of the months formerly requested on Form G-325A. People rarely remember or record the exact date they moved. Filers should not feel that they have to provide falsely precise information. **The form or instructions must explain that if the filer does not know the exact date of the change, he or she should provide a best guess.**

Parts that may be left blank

If filers have no interpreter or preparer, the instructions should explicitly allow them to leave blank Part 7 or 8 of the I-130 and Part 5 or 6 of the I-130A. If filers have no additional information, they should be able to leave blank Part 9 of the I-130 and Part 7 of the I-130A. As it stands, many filers are likely to populate all these fields with “N/A,” in accordance with “How to Fill Out Form I-130,” Item 3 on p. 3 of the instructions. This burden is unnecessary.

Many filers could then leave blank the last three pages of the I-130 and the last two pages of the I-130A. **The instructions should make clear there is no need to print or send any pages that have been left completely blank.** Why should filers have to print (or worse, fill out) pages containing no information, and why should USCIS have to sort through them?

(This problem is common to and should be fixed on all new forms, for example on the I-864, the I-865, and on pp. 18-20 of the recently proposed N-400 on Regulations.gov at USCIS-2008-0025-102. USCIS should clarify why lengthening all forms amounts to a lesser burden for filers, preparers, and interpreters. Making the preparer, interpreter, and additional information sections into three common annex forms would logically lighten the burden for all involved. This modular design would allow the preparer or interpreter to enter their address and contact information only once on the common form for every form they prepared.)

Electronic filing

Most importantly, USCIS must allow both of these forms to be filed electronically.

Many of the issues mentioned above would disappear. For example, the last physical address outside the United States on Form I-130A could be computed automatically, or requested if not previously listed. And the electronic Form I-130A could show the information that the petitioner already entered about the beneficiary in the electronic Form I-130, and the user could simply click to confirm that it is correct. An e-form needs no paper; as it stands, USCIS is set to multiply the number of sheets that this form uses. Finally, filers abroad would not need to find a courier or chance the mail.

USCIS presumably knows already that it cannot afford to not put this online. It is hard to imagine automated, electronic processing being more costly than manual, paper intake and processing. The overall cost should drop, which would in theory curb the next round of fee increases, thereby minimizing the public burden.

EXPLANATION OF MY CASE

I filed an I-130 while living in a foreign country. The mail is quite slow there, so I used a courier. While my petition was pending adjudication, both the beneficiary and I were getting ready to move from one address in that country to another. As per the I-130 instructions, I tried to do so online, but our foreign address did not fit.

The instructions noted I could also call the NCSC, which I did. The Tier 1 representative told me that their system does not fit foreign addresses and directed me to the nearest embassy or consulate. I emailed the embassy, which directed me back to USCIS. When I called again, the NCSC

connected me to Tier 2. The Tier 2 representative and supervisor both said that we had to write the service center. (The supervisor sounded like she had heard this before.)

We wrote a letter to the service center. Service centers do not seem to confirm mailed address changes. Thankfully though, the service center did process the change before the petition was approved, and sent the approval notice to the new foreign address.

Unfortunately, after the petition was sent to them, the NVC sent correspondence to the old, wrong address. This was resolved when I provided my and the beneficiary's emails to them via phone, but the NVC also could not enter foreign addresses in their system and I was not sure whether they would send me more mail. I ultimately contacted my congressman, at whose request the NVC changed my address. I ultimately received the NVC welcome letter 40 days after it had ostensibly been sent.

If USCIS corrects the issues I have mentioned, the public burden should decrease and USCIS should experience a net benefit. Thank you for your attention.

Sincerely,

Adam Pollins