

From: Raghuvir Lavari [mailto:rmlavari@yahoo.com]

Sent: Saturday, May 7, 2016 1:07 PM

To: Public Engagement <Public.Engagement@uscis.dhs.gov>; USCIS FR Comment <USCISFRComment@uscis.dhs.gov>

Subject: Re: Follow up Message: Form I-485 Stakeholder Engagement

Dear Sir/ Medam

I ask the question and i was ask to submit note and also submit the comment at regulation just wanted to conform two submission will not put us in mass campaign as last time Kevin noted us instead of public engagement wrong guidance about it.

As instructed I am submitting my note for how USCIS create nightmare when consolidate the form without thinking much about applicant possible, Many people may have eligible for mutiple filling as example I have filled the employment based petition as primary and my wife was file as dependant , later on my wife father file I-130 and she was eligible to file I-485 while out application was pending so we have requested to move our file to first approve petition and adjudicate the case however due to policy maker person did not understand the mutiple filling and create a policy which is directly conflict with the INS statue. Also in our case immigration officer has denied the secondary I-485 while I-130 approve and Primary I-140 and I-485 were pending. we have to file motion and motion was approve as this is simple 1o1 immigration question where immigration officer service ISO are based on policy maker. Who ask us to select the one check box which put applicant in limitation since officer are not allow to change the selection. in other side their were no additional I-485 filled allow for example if both person was filling based on two I-140 pending same issue arise which is majority of the cases all applicant are working here. Hence only one person are allow to filed as primary and only one can be secondary which is wrong position of USCIS policy maker we did not get straight answer on the call. Policy maker officer was confuse and advise us we need second time applicant file and we respond that USCIS will provide two alien number based on two I-485 required to filed which create hardship for applicant for required to file the applicant with two seperate fee's and same time center in processing the applicant two times process and approve green card two times going through 2 EAD, 2 times background check and 2 time figure print for one green card applicant does not make sense.

Hence our reading of applicant should be correct that applicant should be allow to check multiple check and all applicant need to be included in the form example I-130 file number and I140 file number or any other application that I485 can be filed. Also when multiple applicant filed which ever priority date are earlier should be consider including beneficiary country of birth or citizenship which help applicant get approval quicker not later.

USCIS current position directly conflict the statue similar to AC21 where USCIS still doesnot come up with regulation which align with the statue when I-485 file and pending 180 days employee should allow to move to new employer and comeup with the process on how to intergrate it without directly impact employee, employer or USCIS automatically link with mandatory employment verification.

please be free to call me if you have further question on this.

Thanking you

Raghuvir Lavari

From: U.S. Citizenship and Immigration Services <uscis@public.govdelivery.com>
To: rmlavari@yahoo.com
Sent: Thursday, May 5, 2016 4:48 PM
Subject: Follow up Message: Form I-485 Stakeholder Engagement

Dear Stakeholder,

Thank you for participating in the recent USCIS stakeholder engagement on proposed revisions to Form I-485, Application to Register Permanent Residence or Adjust Status. Please find below instructions for reviewing the revised Form I-485, Form I-485 instructions, Supplement A and Supplement A instructions.

- Visit regulations.gov
- Enter USCIS-2009-0020 in the search box
- Click on the featured result Agency Information Collection Activities: Application to Register Permanent Residence or Adjust Status
- Scroll down to the Supporting Documents section and click on View All
- From the Sort By drop down menu, select Posted: (Newer-Older)

If you have any difficulty accessing the documents using the instructions above, please feel free to contact us at Public.Engagement@uscis.dhs.gov and we will be happy to provide a copy of the revised materials.

Kind regards,

U.S. Citizenship and Immigration Services

Please do not reply to this message. Contact us at Public.Engagement@uscis.dhs.gov or USCIS-IGAOutreach@uscis.dhs.gov with any questions.

To learn more about the Public Engagement Division, visit us online at uscis.gov/outreach.

To update your RSVP, modify your password or email address, or to unsubscribe at any time, visit your [Subscriber Preferences Page](#).

U.S. Citizenship and Immigration Services sending to rmlavari@yahoo.com
20 Massachusetts Ave NW, Washington DC 20529 · 1-800-375-5283

Via e mail USCISFRComment@uscis.dhs.gov

Samantha Deshommes,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security

[FR Doc. 2016-07265 Filed 3-30-16; 8:45 am]

Subject: OMB Control Number [1615-0023](#) Docket ID USCIS-2009-0020

Re: Application To Register Permanent Residence or Adjust Status, Form I-485, and Adjustment of Status Under Section 245(i), Supplement A to Form I-485; Revision of a Currently Approved Collection also **Comment to Draft Guidance on Supplement A and J to Form I-485; Revision of a Currently Approved Collection in conjunction with “Same or Similar Occupational Classification” for purposes of §204(j) portability**
Draft PM-602-0122

I ask this question on 04/26/2016 at 12.30 form I485 and I was advise to email uscisengagement@us.dhs.gov and also send the comment through regulation as policy making person seems like first time hear this kind of issue. However this really impact the someone benefit and liberty of their life.

Our concern is regarding the I-485 based on Employee based or employment based only check one, the problem we face which the form I-485 is we had submitted the first I-485 based on employment where my wife was also filled as dependent. Later my wife I-130 was also approve and hence since both of our I-485 was pending and as per existing AFM (Adjudicator's Filed Manual) USCIS process was to consider interfiling which refer simply switching one supporting pillar with a different pillar also known as transfer or conversion commonly known as interfiling. There is no separate form to request this interfiling hence we have request this via letter to USCIS but in our case the USCIS Immigration service Officer (ISO) who work on our case may not know about this procedure and insist us that we are not able to move our existing I-485 to family based however based on our request for AFM the service center has move my wife application to national benefit center and where due to non-knowledge about this interfiling he denied the I-485 even when she was primary file on my employment based application, If rejected our letter of request for interfiling was render we will be much more better than defending it in the court currently and facing the MTA. Also question start right their when new form I-485 specifically says that you are

required to check only one option while not thinking the reality that its likely possible

that when filling I-485 for two family member who both working they have two employment I-140 file and one has to move from Primary to secondary and vice versa and required two separate form which than need to assigned two separate Alien number. Or USCIS wanted to allow multiple selections or add supplymently form to accommodate multiple filling. Existing USCIS position or officer position is that we need to submit the new I-485 based on family based case when the existing form I-485 is pending and I130 has been approved. It does not make sense on USCIS to collect the additional form where same form can be adjusted to become the permanent resident if only one time for one alien. It will also help USCIS to not to duplicate the afford in wasting unnecessary resource for doing fingerprint, back ground check etc for same person twice and same way enforcement to application file another fee for same exact application, Are USCIS will in process to amend the AFM which is working well or train the officer on how to do conversion since the form need to revise as its specifically ask for one check box.

My wife uncle file her petition back in year 1992 which make her eligible to file 245(i) under the grand fathering of the application

Stakeholder will appreciate if USCIS published all the comment required together instead of one by one and leaving the room for lawsuit to be filed since regulation published after the required comment submitted to eliminate the gap in where USCIS fail to use the discretionary authority understand Legal statue to read in conjunction with the regulation and not to used regulation over the congress statue. As Congress approve the resolution statue should be read as faithfully as possibly. USCIS is opening the door for lengthy litigation in which newly published regulation directly conflict with porting statue and make porting statue null. We understand the many huge mistake has been made in the past but USCIS should

correct the all mistake by using the all the comment submitted to improve its regulation with the law. We are request all the USCIS regulation should be carefully written after review by the administrative appeal office (AAO) who received the cases and published the Precedent decision and non-precedent decision which are binding the newly publication as of that day for example matter of Ganga Mantena and Matter of Musunuru where this I-204(j) and 485j are connected together analyst the existing case law and decision that made by Judge until the day of regulation published . We have requested in the comment for 204j however we can understand not all our comment are accommodated but new regulation cannot leave existing published decision sidestep unless USCIS or government appeal that decision to higher authority for example 2nd circuit Decision to Supreme court. For publication that required process to be continued to be due process where USCIS regulation direct conflict with the porting statue. As we have submitted the comment for draft PM-602-0122 where this I-485j need to be added however USCIS can not ask for new form to be submitted for porting statue and similar AFM guideline which are not revise yet. Moving from employment category to family based category its only one form I-485 one applicant can file. In our recent decision when our family I-130 was approve while I-140 was pending we have requested to move our pending I-485 to move to I-130 since we never received any request to file the new I-485 or form has the specific category added that one form for employment category and another for I-130 when person has dual intent or both processing. Asking applicant to submit two separate form is not in USCIS best interest to double the afford and create a huddle for applicant to submit two separate application for one permanent residency status with double fee. Also if that is the case how applicant can submit EAD based on two different I-485 form one for employment and one for family base. USCIS current position or operation are misguided and ignoring the statue and creating big hole instead of creating stable case law which can serve for next generation to used it faithfully with the dual process as exist.

We wrote specifically about connection where 204j regulation submitted, as USCIS wanted to handle the I485j form but USCIS wanted beneficiary to wait for USCIS to issue RFE to beneficiary. Now process initiate when the applicant change the job and submit the paper work for change of job which can be conform by using of verify or record to update the existing file. In case this request has not

send since there is no mandate to submit the 204j so I-485 will be denied without issue RFE to beneficiary. And applicant will not be able to submit I-485j as per instruction that RFE required in order to submit the new I-485J. So our suggestion is applicant should allow submitting the I-485j anytime when job change occurs within 30days as part of I-485 record update like address change. Also in case this is not allowed then RFE should be mandate to office when I-140 denied or revoked before denied the I-485.