

Form I-360 Supporting Statement Appendix - Summary of Public Comments and USCIS Responses

Commenter	Issue raised by commenter (concise description)	USCIS response (concise justification)
Jean Public USCIS-2007-0024-0041	“It is time to stop allowing endless ‘others’ to come here to leach on American taxpayers.”	This comment is beyond the scope of this information collection, therefore, USCIS will not be making any changes as a result.
Allison Posner Catholic Legal Immigration Network USCIS-2007-0024-0042	<ol style="list-style-type: none"> <li data-bbox="505 856 889 1066">1. Part 2., Item D – This section in which the classification is requested, should include the options for religious vocation and religious occupation. <li data-bbox="505 1108 889 1423">2. Part 9, Item 10 – The yes/no question “The beneficiary will not engage in secular employment and the prospective employer will provide salaried and/or non-salaried compensation” is confusing. <li data-bbox="505 1465 889 1675">3. The Acknowledgement of Appointment at USCIS Application Support Center imposes a new requirement on filers of the form. <li data-bbox="505 1717 889 1883">4. Petitioner’s Certification- The requirement that petitioners “authorize the release of any information from any and all of my 	<p data-bbox="902 856 1421 930">Agreed in part-The options have been added to part 9, paragraph 6.A.</p> <p data-bbox="902 1108 1421 1245">USCIS notes that adjudicators have been provided with training on this subject and that the preparer of the form is allowed to attach a written explanation.</p> <p data-bbox="902 1465 1421 1633">This is standard language. However, a note clarifying its general inapplicability to petitioning organizations for religious workers will be added to the form’s instructions.</p> <p data-bbox="902 1682 1421 1776">This is a standard certification used on USCIS forms. It is legally sufficient and not overly broad.</p>

	<p>records that USCIS may need” is overly broad.</p> <p>5. Part 13. Preparer’s Statement: It is unclear what “extends/does not extend beyond the preparation of this petition” means.</p> <p>6. The phrase “I have also read the Acknowledgement...to the petitioner....” is a new requirement that is burdensome and should be removed.</p>	<p>USCIS will update the Preparer’s statement, Item 7B to state, “extends/does not extend beyond the preparation of this I-360 petition.”</p> <p>Not accepted – this is standard language used on USCIS forms and reflects the preparer’s responsibility.</p>
<p>Elizabeta Markuci, Volunteers of Legal Service (VOLS) USCIS-2007-0024- 0043</p>	<p>1. The proposed change splitting one question in Part 6, section A, item A on the current form into two question on the proposed form Part 8, question 2, items A and B is confusing and requires the petitioner to make a complex & unnecessary legal distinction.</p>	<p>We are looking for the courts findings not for the petitioner to draw any legal distinctions. We are wording the proposed question for Page 8, Part 8, question 2A and 2B to read:</p> <p>A. Have you been declared dependent on a juvenile court in the United States OR has a juvenile court legally committed you to, or placed you under the custody of an agency, department of a state, or an individual or entity? (Yes/No)</p> <p>B. Provide the name of the state agency, department, or court-appointed organization or individual with which you are placed below (fill in box).</p>
	<p>2. The addition of Part 8, question 4, item B in the proposed form impermissibly oversteps the requirements of Federal law and is inapplicable to many New York State Family Court</p>	<p>This question was meant to go to validity at the time of filing. We are moving this question to Page 8, Part 8, question 2 as Item C and re-wording it to:</p> <p>Are you currently under the jurisdiction of the juvenile court that made your placement or custody determination</p>

<p>determinations.</p>	<p>identified in Item B. in Number 2. above? Yes/No.</p> <p>If you answered "Yes," are you currently residing in your court-ordered placement? Yes/No</p> <p>If you answer "No" is it because:</p> <ul style="list-style-type: none"> - You were adopted, or placed in a permanent guardianship or another permanent living arrangement (other than reunification with the abusive parent(s))? Yes/No - You aged-out of the juvenile court's jurisdiction and the order was terminated based on age? Yes/No -Other? Yes/No <p>If the answer is "Other," provide an explanation in the space provided in Part 14. Additional Information.</p>
<p>3. The additional requests for information in the proposed form Part 8, question 2, item C & Part 8 question 3, item B exceed the scope of what is required for USCIS to make a determination of eligibility for SIJs.</p>	<p>The name of the parent that the court found the child cannot be reunified with is required in order to determine eligibility. The identity of the parent and the name of the court ordered placement or commitment are important elements of the factual basis that is required for consent.</p>
<p>4. The proposed form Part 11's Acknowledgement of Appointment at the USCIS Application Support Center is confusing as petitioners solely submitting an I-360 are not scheduled for an Application Support Center appointment.</p>	<p>Although not all filers will be required to appear for an appointment, this is standard language used on USCIS forms. The applicant is not acknowledging a specific ASC appointment, but rather the purpose of the appointment and what will be done if they are required to appear for an appointment.</p>
<p>5. The proposed new form version adds an additional six pages in an apparent contradiction of the</p>	<p>Some of the edits, reorganizing, and reformatting have increased page length, but the form was reformatted so the document:</p>

<p>Kate Voigt, on behalf of AILA and ASISTA</p> <p>USCIS-2007-0024-0044</p>	<p>Paperwork Reduction Act.</p> <p>FORM INSTRUCTIONS</p> <p>Page 1 number 3 under the heading, "What Is the Purpose of This Petition?": Remove self-petitioning parent of an abusive U.S. citizen son or daughter in "I. Others", number 3, and include it in number 4.</p> <p>Page 5: Add a check box on the Form I-360 for the abused parent of U.S. citizen son or daughter, or amend the Note on the bottom of page 5 to read, "Since there is not a separate check box for a</p>	<ul style="list-style-type: none"> • Separated pair data collections into single data collections (i.e., State is its own field, Province is its own field) • Added line spacing between collection to make the form easier to read • Added standard signature sections that are used on all USCIS collections <p>In a brief comparison of the current and proposed forms, while many things were added and taken away, it looks like separating data fields for better readability, added a lot of space.</p> <p>USCIS has added new classifications to the form and related instructions to the form, made clarifying edits for existing classifications, and incorporated a fact sheet for employment-based fourth preference (EB-4) petitioners. The actual increase in burden for each of the respective classifications as a result of these changes is minimal. USCIS will consider creating separate appendices for specific categories in the upcoming revisions, after reviewing system requirements, resources, and deployment schedules and priorities.</p> <p>Accepted—removed "Self-petitioning Parent of an abusive U.S. citizen son or daughter" from "I", included it in "4", and changed the wording from "Self-petitioning parents of an abusive U.S. citizen son or daughter" to "Abused parent of a U.S. citizen son or daughter".</p> <p>Not accepted for adding a check box at this time, but will consider it as well as all input from stakeholders in future revisions of</p>
---	--	--

	<p>battered or abused parent of a U.S. citizen son or daughter, select the "other" category if filing under this classification. If not possible, amend the Note on the bottom of page 5.</p> <p>Page 6, mailing address: Delete the first sentence, i.e. "Provide your mailing address, if different from your home address."</p> <p>Page 6, amend the note in the middle of the page to read, in part: "NOTE: You may file a self-petition within two years of the date of the abuser's death, the abuser's loss of status if the loss is for reasons related to the domestic violence, or within two years of the termination of marriage if there is a connection between the termination of the marriage and the battery or extreme cruelty..."</p> <p>Page 7, employment authorization: Instead of providing only "YES" or "No" answers, the form provide boxes for (c)(31), (c)(9), and (c)(14).</p> <p>Page 11, #5, Part 11, Petitioner's Statement, Contact Information, Acknowledgement of Appointment at USCIS Application Support Center, Certification, and Signature: Acknowledge and cite the special protections for releasing information under 8 USC § 1367.</p> <p>Page 13, USCIS Privacy Act</p>	<p>our forms. However, accepted revising the note on page 5 to read, "Since there is not a separate check box for a battered or abused parent of a U.S. citizen son or daughter, select the "other" category if filing under this classification.</p> <p>Accepted and deleted the first sentence after "Alternate and/or Safe Address".</p> <p>Accepted, and amended "NOTE" as follows: NOTE: You may file a self-petition within two years of the date of the abuser's death, within two years of the abuser's loss of status if the loss is for reasons related to domestic violence, or within two years of the termination of the marriage if there is a connection between the termination of the marriage and the battery or extreme cruelty. For self-petitioning spouses, you may remarry after USCIS approves your self-petition without affecting your eligibility to become a lawful permanent resident or be grounds for revocation of the approved self-petition.</p> <p>Not accepted because category (c)(31) will automatically be given to self-petitioners residing in the United States incident to status/approval without having to file Form I-765. If (c)(9) or (c)(14) is desired, then the self-petitioner must submit Form I-765 requesting that category.</p> <p>Not accepted because reference to the special protections for releasing information under 8 USC §1367 were added in the "USCIS Privacy Act Statement" section on page 13.</p>
--	--	--

	<p>Statement: If the Form I-360 is used for Violence Against Women Act relief, it should explicitly be stated that the information contained in this form is protected under 8 USC § 1367.</p> <p>Page 14, Routine Uses: It should be stated that the information contained in the Form I-360 will not be shared with federal, state, local and foreign government agencies unless specifically permitted under 8 USC § 1367.</p> <p>FORM Page 1, Part 1, Information About Person or Organization Filing this Petition: Clarify what is meant in the context of "Petitioner". An explanation as to how (or if) a VAWA self-petitioner should use this first section would be beneficial given that VAWA applicants have traditionally been defined as petitioners. In other words, should the VAWA self-petitioner list his or her information in both Part 2 and Part 3, or if some other format was intended.</p> <p>Page 1, Part 1 number 6: Recommend including an instruction line stating that if the applicant is filing a VAWA self-petition, they are encouraged to also submit a safe address where correspondence can securely be received, and refer them to Part 3.</p> <p>Page 2, Part 2. Classification Request: Recommend that "Battered or Abused Parent of a U.S. Citizen Son or Daughter" receive its own box, as it is the</p>	<p>Accepted and added this language to the end of that section, i.e. "If this petition is used to obtain relief under the Violence Against Women Act, the information contained herein is also protected under 8 USC § 1367."</p> <p>Accepted, and added the following statement to the end of that section: "If the information contained in the Form I-360 is protected under 8 USC § 1367, any sharing with federal, state, local, or foreign government agencies will be done in accordance with 8 USC § 1367."</p> <p>Accepted and revised the "NOTE" under Part 1 to read, "You must complete Part 1 as the Petitioner if you are filing this petition on behalf of another person. If you are a Violence Against Women Act (VAWA) self-petitioner or a special immigrant juvenile skip to Part 1 Item 7"</p> <p>Not accepted because this is already explained in Part 1 number 7.</p> <p>Accepted and added a box for "Battered or Abused Parent of a U.S. Citizen Son or Daughter".</p>
--	--	--

	<p>only VAWA category not to have its own designation and its absence could cause confusion.</p> <p>Page 14, Part 10, Question 12 – Employment Authorization: Recommend that instead of providing only “Yes” or “No” answers, the form provide boxes for (c)(31), (c)(9), and (c)(14).</p> <p>Page 15, Part 11- Acknowledgement of Appointment at USCIS Application Support Center: Recommend eliminating this entire section from the form.</p> <p>Page 15, Part 11—Petitioner’s Certification: Object to this provision and don’t believe that the petitioner should be compelled to allow USCIS to retrieve non-public information or release the petitioner’s information to any branch of the U.S. government, private companies, or the government of foreign countries.</p> <p>Page 15, Part 11—Release of Information Clarification: Requiring self-petitioners to sign a general release of information, without acknowledging the congressionally mandated constraints on such information-sharing, violates 8 USC § 1367. We suggest adding the following language: “I furthermore authorize release of information contained in this petition, in supporting documents, and in my USCIS records, to other entities and persons where necessary for the</p>	<p>Not accepted because category (c)(31) will automatically be given to self-petitioners residing in the United States incident to status/approval without having to file Form I-765. If (c)(9) or (c)(14) is desired, then the self-petitioner must submit Form I-765 requesting that category.</p> <p>Not accepted because this is standard language used on USCIS forms. The applicant is not acknowledging a specific ASC appointment, but rather the purpose of the ASC appointment and what will be done at the appointment.</p> <p>Not accepted to remove this section from the contents of the petition, but will add, “If the information contained in the Form I-360 is protected under 8 USC § 1367, any sharing with federal, state, local or foreign government agencies will be done in accordance with 8 USC § 1367.” , and will add this sentence between the second to the last and last paragraphs in the section. (So after the sentence beginning, “I furthermore,” and before the sentence, “I certify”.)</p> <p>Accepted and will add the suggested sentence at the end.</p>
--	--	--

	<p>administration of the U.S. immigration laws. I am not, however, waiving the special protections under 8 USC § 1367.</p>	
<p>Commenter Charles J. Ferrari</p> <p><u>FORMATTING</u> <u>ISSUES</u></p>	<p>Issue raised by commenter</p> <p>Commenter requested reformatting changes to the I-360 on page 1, 3, 4, 6, 7, 10, 13, 14, and 16 (Combine Street Address and Name).</p> <p>Page 4: clarify whether the number in item 4.B. is the number of individuals, or the number of forms filed</p> <p>Page 10: Item 6.B. "Detailed description" and a one line box are mutually exclusive. Which do you want?</p> <p>Page 11: Eliminate item 14. One signature on the form should be enough.</p>	<p>USCIS response</p> <p>Thank you for your comments regarding reformatting the listed pages of the I-360 form. The dividing of these boxes is intentional. It allows USCIS to accurately collect and capture the necessary data for each individual/organization in USCIS's electronic databases.</p> <p>Question 4B is a follow up to question 4A. <i>Are you filing any other petitions or applications with this one?</i> The question in 4B is requesting information on the number of applications being filed. At this time, we are making no changes in response to the comment as the question is clear.</p> <p>Additional sheets may be provided for a detailed description in the space provided in 14. Please see instructions in #6.</p> <p>The signature in Item 14 is required as it is the <i>Prospective Employer's Attestation</i>. This signature is not duplicative and cannot be eliminated.</p> <p>The signature lines are required and cannot be eliminated. At this time, we are making no changes in response to this comment.</p>

	<p>Page 12: Eliminate signature block. One signature on the form should be enough.</p> <p>Page 15, 16, and 18: Use black ink, not purple</p>	<p>In the final version of the form black ink will be used.</p>
<p><u>Statement of Attorney</u></p>	<p>Page 17: Statement of attorney in item 7.B. should suffice and eliminate the need for a paper wasting two page G-28.</p>	<p>A separate G-28 is required by regulations and cannot be eliminated. At this time, we are making no changes in response to this comment</p>
<p><u>Summary of Changes Requested</u></p>	<p>Dividing a street address into multiple fields has no practical utility, does not increase the quality of the information gathered, and increases the burden of the data collection on the form's users.</p> <p>Requiring multiple signatures only leads to confusion. It does not enhance the utility of the information gather, it does not enhance the quality of the information gathered, and it increases the burden on the form users.</p> <p>Requiring multiple statements and forms from attorneys is not only a burden, but also impinges on the right to be represented. And, it also represents an utterly unnecessary waste of paper. In this case over two pages worth. We note that real courts do not require special forms for an attorney to make an appearance. Neither should the agency.</p>	<p>We appreciate your comments. For the reasons stated above, we are not making the requested changes.</p>