

Comment Number	Part	Heading or Section	Comment	Response
1	Lea McDermid		As an immigration attorney, I am outraged by the proposed new Form I-130 and I-130A. These forms totaling 33 pages plus 8 pages for two Forms G-28 amount to an outrageous waste of resources. It contains mostly the same information as the current I-130 and G-325A, and it is unclear how the new information helps adjudicators. Moreover, it asks attorneys to swear under oath that "I completed this petition based only on the responses the petitioner provided me." This is inaccurate and forces attorneys to commit perjury. A competent attorney will verify spellings of names, dates, locations, etc. in supporting biographic documents such as birth certificates, passports, marriage and divorce certificates. An attorney could be sued for malpractice for not independently verifying dates, etc. with corroborating documents. In addition, Petitioners are asked to swear they provided all the information on the form. Yet often Petitioners do not know their parents' laws date and place of birth (do you - the person reading this?), nor the correct spelling of their parents' laws place of birth. They often cannot write in the beneficiary's written language (if other than Roman letters).	USCIS is adding language to combat immigration fraud as requested by federal law enforcement agencies. USCIS is also utilizing the attestation process to meet its identity-proofing and attribution requirements established for electronic remote authentication under federal law. The language is not overly long or repetitive nor does it place excessive burden on respondents. The preparer's section certification does not require an attorney to swear to his or her knowledge and truth of all information in the application, and does not encumber the attorney/client relationship. Rather, by completing the certification, the attorney or preparer is certifying that he or she "completed the form based only on responses the petitioner provided to" him or her and "reviewed it and all of the applicant's responses with the applicant, who agreed with every answer. The preparer certification clarifies that signatories are assuring DHS as to the source and completeness of the information on the form.
1	Lea McDermid		If they may not know if the beneficiary has ever been in removal proceedings (often a beneficiary does not know if they were officially in exclusion proceedings or just turned back at the border or given a voluntary return to Mexico). Furthermore, requiring attorneys and interpreters to read "every question and instruction on this petition" would take hours and hours to do. This will cause great financial burden on Petitioners to pay an interpreter and attorney to prepare this burdensome form and then have all 41 pages of forms translated, with the instructions (which currently total 7 pages but which will undoubtedly be longer with the new forms), much of which may address issues not relevant to the Petitioner (e.g. documents required for spouses when it is a father petitioning a son). This is likely to cost families thousands of dollars, and will mean that low income Petitioners may be effectively barred from petitioning family members if they cannot afford to pay at least an interpreter to help them. And not hiring an attorney to help them navigate the details of this cumbersome form could lead to a denial. USCIS is supposed to be the service-oriented branch of DHS, yet this form creates such a financial, not to mention environmental, burden on our society that it effectively keeps families apart.	
1	Lea McDermid		The Form I-130 and G-325A should be kept as it is, with perhaps only a clarification about who should be included as a "child of your relative" (e.g. have separate spaces and change it to "Spouse of Beneficiary" and "child of the Beneficiary." Also, clarify on the form whether to include adult children, deceased children, adopted children, stepchildren, etc.) And the G-325A should be modified for spousal petitions to omit any info already contained on the I-130 (e.g. current and former spouses' names, DOBs, etc.) Or you could create one new form that incorporates the G-325A with the I-130 for spouse petitions but without making it 30 pages long (3 pages should suffice as it currently is).	Previously, the Form I-130 petitioner was required to complete a Form G-325A both for themselves and for the beneficiary spouse. In an effort to reduce the burden on the respondents, USCIS has added the relevant data fields from the Form G-325A into the Form I-130 so that the petitioner no longer needs to duplicate many data elements to provide the few that were unique to the Form G-325A
2	Mark Stevens		I am an immigration attorney and I have submitted hundreds of benefits applications to USCIS. Please stop making the forms exponentially longer every time you revise them. Form I-130 was previously two pages, and it worked perfectly for many years. Now the form is 13 pages and does not even add barcodes. The revised I-130 form is six times longer and adds no functionality. Form length has run out of control at USCIS. Form G-28 was one page for many years, then it became two pages, now it is four pages. Lengthening forms increases the burden on the public, attorneys, USCIS adjudicators, and USCIS storage facilities. Lengthening forms makes immigration processes more expensive for everyone involved. Please stop lengthening forms. It increases costs for everyone and has no benefits.	USCIS has added questions that were unique to the Form G-325A to the Form I-130, reducing the burden on the petitioner by removing the remaining duplicate questions currently found on the Form G-325A. USCIS has also added language to combat immigration fraud, which contributes to the increased length through signature sections for the various persons who may assist in the completion of the form.
3	Akintunde Adyemi		The truth about revision of Approved collection of information and other related matters on Petition for Alien Relative, Form I-130, and Form I-130A; Revision is that it will help to facilitate the processing of petition of the foreigner's that are relative of the U.S Citizen could be spouse or siblings. Many U.S Citizen doesn't know the good factors which this foreigners help in introduce into the U.S economics system because they are of bount of idea and knowledge that could be useful as an Alien from another part of the world or geographical zone. However the Alien relatives of U.S Citizen are of different ethnic group and cultural heritage so if they eat dogs,cats,lizards or any other animal that U.S Citizen use as pet as nothing to do with endangering any U.S citizen because it is in their believe from the Alien heritage that such animal are pleasurable and have a good taste when eating them, but fact should be said which is the matter of concern which is no Alien relatives of U.S Citizen affected medicade in the U.S.prices of goods or any other things that is of benefit of the Americans rather than boosting their good goals by putting more knowledge, ideas and working so hard in the U.S economics system so as to see a great advancement and development for the 21 century. Nevertheless I want the Americans to know that united State of America was built by the foreigner which are made as slaves in the past centuries and most of this foreigner's are seeing to be a good patriot for the United State people, let embrace good new forms that could facilitate the processing of bring U.S Citizen relations to the United State of America so as to have people that will use family true bloodline and true love to built the science and technology for the 21 century.	USCIS has reviewed the comment and finds no action to take. USCIS is required to provide the services allowed under the laws that guide the agency.
4	Alex Quanon		It would be far easier for both USCIS and the applicants if this form were to be submitted electronically. Most people do not have the means or technical capabilities to fill in the PDF version of the form then print it before mail it in. This results in delays when processing the form as the USCIS agent has to decipher every letter and word that is written on the form, many of which are new, of foreign origins and unfamiliar to the agents. This causes delay in processing and approval of visa. If forms are filled and submitted electronically, it would make it easier for the agents to read and process each form and the processing time would be reduced by several hours for the agent and the overall time for the applicant would also be reduced before a decision is made. Additionally, another form that is associated with the I-130, the G325-A, should be submitted electronically and at the same time the applicant is submitting the I-130. The same reason as above applies.	USCIS is working towards making the form available electronically and will announce the capability once it is available. The requirement for the separate Form G-325A has been removed.

4	Alex Quanon		There are some supporting documents and other items that has to be sent along with the application, for example, passport size photos, sworn statements, evidence of relationship, and so forth. Applicants could be given the option to scan and attach all supporting documents as well as send photo electronically. Moreover, applicants should be able to make payments electronically. For those without the technical means to send all these supporting documents and payment electronically, they may still be required to submit the form electronically but mail in all supporting documents by including either the receipt number that they are issued after the electronic submission or some other identification number associated with their electronic application. Some other benefits of electronic application is that it would save a lot of paper, ink and electricity used in printing and processing forms. It would also save the government a lot of money since they would not have to mail out blank forms to applicants anymore. If this process is to be implemented, it must also be designed to allow applicants to save the form and make updates at a later date before final signature and submission.	
4	Alex Quanon		Finally, this may or may not be directly related, but here is another suggestion. If an applicant wishes to withdraw an ongoing application, there should be a process where an applicant could do so electronically and receive immediate feedback. I submitted a withdrawal by mail in July, it has not been processed, I had to make an appointment at the local service center. I was then told that my case will be forwarded to Maryland before the agent can take any action to withdraw my case. Electronic withdrawal of I-130, I-129F and any other applications should be instituted with approval taking no more than two weeks.	
5	Jean Public		we want the door shut on these bringing in of foreign relatives. we are being overwhelmed with all these people in the usa. some of them come with bad habits that are not american at all, like they kill dogs and cats and eat them. such people for example represent a real danger to most american families who dont want that to happen in the usa. many come with customs to horribly assault animals so that they feel pain and kill them. we dont want people like that in this country. make sure we start examining who comes here. some of these people are not welcome in America. i think the entire process should be shut down. America is overwhelmed with refugees by the tens of millions, placed down in communities to become a real terrible financial burden for those communities. why does the federal gov feel they have the right to set down thousands of somalis in lewiston maine for exmple and all of a sudden the residents of lewiston maine have to pay huge tax bills for these invaders. we need a shut down of refugees, legal immigrants and illegal imigrants. we are being overwhelmed. there is no question they increase costs of every program we used to have here in america. our medical costs are soaring so we can afford good decen tmedicine for americans anymore.many americans are going without medical treatment because these damned foreigners come in and get it free and then charge americans two need treatment hundreds of thousand of dollars for treatment. americans are being bankrupted by these hordes costing huge increases in govt programs and tax payemtns for their care. we dont want anymore at all. we need a few years to assimilate. we are overwhelmed let the other countries, like china and russia take some in. how about south africa taking some in. we have been socked much too hard. throw out the illegal immigrant swho have sneake din here unlawfully. we have corrupt politicians and that is trhe real evil in america these days. absolutely and totaaly corrupt politicians who want to saddle us into bankruptcy and annihilation. america is being annihilated. by corruption. politicians who care about foreigners and not about america at all. its as if they want to kill all americans.	USCIS has reviewed the comment and finds no action to take. USCIS is required to provide the services allowed under the laws that guide the agency.
6	Pritesh Patel		Everything should be online	USCIS is working towards making the form available electronically and will announce the capability once it is available. The requirement for the separate Form G-325A has been removed.
7	Adam Pollins		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 experiences 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 NCS, 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 NCS, 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 NCS's instructions, which thankfully worked. USCIS should determine the best available address change procedure for customers abroad and include it in this section.	USCIS has reviewed the comment and finds no action to take. This comment does not relate to the Form I-130 itself, but is a question regarding the Form AR-11 and online change of address capabilities.
7	Adam Pollins		USCIS Forms and Information (p. 9) This section suffers from the same problem as above. Again, the NCS 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 NCS 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.)	USCIS has reviewed the comment and finds no action to take. This comment does not relate to the Form I-130 itself, but is a question regarding the Form AR-11 and online change of address capabilities.
7	Adam Pollins		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.	The instruction do not specify the precise format of an affidavit. USCIS adheres to the dictionary definition of "affidavit": "[A] voluntary declaration of facts written down and sworn to by a declarant, usually before an officer authorized to administer oaths. Black's Law Dictionary]. However, notarized affidavits may be given greater evidentiary weight. Item 5.A (1-3), lists required evidence for a properly filed I-130. 8 CFR 204(a)(2). The items listed as 5.A(1-6) are suggested additional evidence. As such, it is appropriate that the lists remain separate. We will consider the use of a different subheading.
7	Adam Pollins		FORM I-130 Part 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.	This is a physical address. We have edited the Form I-130 and placed Item 51 closer to Item 6, and the item now states it only has to be completed if the addresses are different.

7	Adam Pollins			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.	We have moved this question and retitled the subsection to read "Other Address and Contact Information."	
7	Adam Pollins			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.	Thank you for your comment.	
7	Adam Pollins			Part 4, Item 26.d. (p. 6) This item is misnumbered as 28.d.	We have corrected all numbering.	
7	Adam Pollins			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 dilutes 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: (USCIS statement: actual requested inserts not copied here due to formatting)	The Form I-130 revisions are based on the new "standard language" and/or new "standard layout" of forms.	
7	Adam Pollins			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."	The Form I-130 revisions are based on the new "standard language" and/or new "standard layout" of forms.	
7	Adam Pollins			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.	USCIS has added questions that were unique to the Form G-325A to the Form I-130, reducing the burden on the petitioner by removing the remaining duplicate questions currently found on the Form G-325A. USCIS has also added language to combat immigration fraud, which contributes to the increased length through signature sections for the various persons who may assist in the completion of the form. The form since it is part of the new has also gone through changes related to "standard language" and/or new "standard layout" of forms.	
7	Adam Pollins			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: (USCIS STATEMENT - listed items can be found in original comment)	Questions in Part 1, Items 1-3, and Part 4, Items 3-5 are required in all current forms. Part 1, Item 4 allows for a complete and comprehensive address history for the spouse beneficiary. Part 1, Item 8 specifically asks for the last physical address outside the United States where the beneficiary lived at for more than a year, which (depending on the beneficiary's address history) may not be captured in any other portion of the Form I-130 or Form I-130A. Part 2, Items 1-4 allows for a complete and comprehensive employment history of the Beneficiary even if currently unemployed, whereas the Form I-130 only allows for current employment information.	
7	Adam Pollins			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. USCIS STATEMENT - Commenter also provided multiple issues regarding areas that can be left blank if not applicable.	The Form I-130 revisions are based on the new "standard language" and/or new "standard layout" of forms.	
7	Adam Pollins			Electronic filing Most importantly, USCIS must allow both of these forms to be filed electronically.	USCIS is working towards making the form available electronically and will announce the capability once it is available. The requirement for the separate Form G-325A has been removed.	
8			Part of Form I-130			
8				The question provides five choices. The question indicates the petitioning parent or child is to select only one, when more than one may apply. Specifically, a child could be born to parents who are not married and be legitimated before 18 years of age. Also, the term "legitimated" is a term that is not broadly understood by lay persons. As presented, this could be confusing to petitioners and could result in mistakes occurring in the attempt to select the correct box. CLINIC recommends eliminating the choice Child was legitimated before age 18 and adding a note or cue referring the Petitioner to the instructions on what documentation is needed to prove the specific family relationship on pages 6-8.	We have deleted the choice relating to "legitimation."	
8		Part 1	Question 2	Alternatively, if the "legitimated" choice remains on the form, we suggest a cue or definition for "legitimated" on the form as well as additional detail in form instructions.		
8	CLINIC			Lastly, CLINIC recommends providing definitions of the child-parent relationship in the instructions under "How to Fill Out Form I-130," page 3. There are explanations in this section for other questions to provide clarity. The addition of these definitions will assist the petitioner in selecting the correct relationship and reduce the risk of error.	Item 2 explains that this is to only be completed by a petitioner filing for a child or parent, and so the options are self-explanatory.	
8	CLINIC			CLINIC supports the revision of this heading, as it helps clarify that the questions below pertain to the Petitioner.	Thank you for your comment.	
8	CLINIC	Part 2	Main heading, "Information About You (Petitioner)"	CLINIC opposes the collection of information that is not necessary for the	USCIS has added questions that were unique to the Form G-325A to the Form I-130, reducing the burden on the petitioner by removing the remaining duplicate questions currently found on the Form G-325A. USCIS has also added language to combat immigration fraud, which contributes to the increased length through signature sections for the various persons who may assist in the completion of the form.	
8	CLINIC	Part 2	Address History	CLINIC recommends changing the "separated" option to "legally separated" to avoid confusion and to aid in the collection of more accurate data that is relevant to the petition adjudication. The term "separated" is subjective and does not accurately reflect a marital status.	The term "separated" is also relevant to the bona fides of marriage and is probative even in cases where there is no legal separation.	
8	CLINIC	Part 2	Marital History, Place of Current Marriage, Names of All Your Spouses	CLINIC opposes the collection of information that is not required for the adjudication of a petition. The Petitioner's marital information is not relevant if he or she is sponsoring a brother, sister, or parent. We recommend making this question conditional.	USCIS has added questions that were unique to the Form G-325A to the Form I-130, reducing the burden on the petitioner by removing the remaining duplicate questions currently found on the Form G-325A. USCIS has also added language to combat immigration fraud, which contributes to the increased length through signature sections for the various persons who may assist in the completion of the form.	

8	CLINIC	Part 2	Information About Your Parents	CLINIC opposes the collection of information that is not required for the adjudication of a petition. The Petitioner's parental information is not relevant to an application for a child. We recommend making this question conditional.	USCIS has added questions that were unique to the Form G-325A to the Form I-130, reducing the burden on the petitioner by removing the remaining duplicate questions currently found on the Form G-325A. USCIS has also added language to combat immigration fraud, which contributes to the increased length through signature sections for the various persons who may assist in the completion of the form.
8	CLINIC	Part 2	Question 38	The current version of Form I-130 at Part 8, question 14 is worded, "If you are a lawful permanent resident alien, complete the following: Date and place of admission for or adjustment to lawful permanent residence and class of admission." CLINIC recommends rewording the three parts to this question to clarify that it also applies to individuals who have adjusted their status to lawful permanent residence. We also recommend a cue for applicants who may not understand how to complete "class of admission."	Agree that the language of that question should clarify both instances. Change for Question 38 will be: "If you were admitted as or adjusted status to a lawful permanent resident..."
8	CLINIC	Part 2	Employment History, Questions 40-47	CLINIC opposes the collection of information that is not required for the adjudication of a petition. The Petitioner's employment history for the past five years is only relevant and typically collected in cases of spouse sponsorship. Requiring this information in non-spousal cases places undue burden on petitioners. We recommend making this question conditional.	USCIS has added questions that were unique to the Form G-325A to the Form I-130, reducing the burden on the petitioner by removing the remaining duplicate questions currently found on the Form G-325A. USCIS has also added language to combat immigration fraud, which contributes to the increased length through signature sections for the various persons who may assist in the completion of the form.
8	CLINIC	Part 3	Biographic Information, Questions 1 - 6	CLINIC opposes the collection of information that is not required for the adjudication of a petition. We recommend redacting this section.	Collection of biometric information is authorized pursuant to 8 § CFR 103.16. Biometric information is relevant to the adjudication of an I-130 in terms of combatting immigration fraud as well as ensuring I-130 compliance with the Adam Walsh Act.
8	CLINIC	Part 4	Information about Beneficiary, Question 11	This question asks the Petitioner if anyone has ever filed a petition for the beneficiary. This information may not be known to the beneficiary, let alone the Petitioner. Parents and siblings often file petitions for their relatives, knowing that the wait for a visa number may be decades long. Such petitions are often forgotten over a period of years. In combination with the Petitioner's statement requiring certification, under penalty of perjury, that the response to this question is correct, this places an unfair burden on a Petitioner whose spouse may have been the beneficiary of a past petition. The Service is in the best position to have this type of information. CLINIC contemplates that Petitioners and Beneficiaries would first have to file a FOIA request to review the Beneficiary's immigration history prior to proceeding with an immigrant petition. This	This question should be completed to the best knowledge of the Petitioner (and Beneficiary). This information assists USCIS with the proper and thorough processing of the current Form I-130.
8	CLINIC	Part 6	Petitioner's Statement, Contact Information, Acknowledgment of	CLINIC recommends redacting. The implementation process for this section is currently unknown, but it appears that USCIS would require the Petitioner to appear for biometrics collection and to verify the accuracy of their application, again, during biometrics collection. If this is the case, this is a process that has not been required of Petitioners in the past. This requirement would confuse the roles of DHS employees and contractors at the Application Support Center (ASC) with adjudicating officers. Additionally, there appears to be no mechanism by which a Petitioner, while attending such an appointment, may actually review and submit updated information, correct typographical errors, or otherwise revise data on the petition. Finally, the Acknowledgment of Appointment appears to require the Petitioner engage a practitioner or representative, who will review and explain the ASC acknowledgment. CLINIC is concerned that this may imply that a practitioner or representative may be required to attend the ASC appointment with their client, which would be highly unlikely and tremendously burdensome	USCIS is adding language to combat immigration fraud as requested by federal law enforcement agencies. USCIS is also utilizing the attestation process to meet its identity-proofing and attribution requirements established for electronic remote authentication under federal law. The language is not overly long or repetitive nor does it place excessive burden on respondents. 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.
8	CLINIC	Part 7	Interpreter's Certification	Only a portion of individuals who petition for their family members will require the assistance of an interpreter. CLINIC recommends that it be included as a supplement. CLINIC urges USCIS to re-evaluate these statements, certifications, and acknowledgments and replace them with more concise language that is less cumbersome and easier to understand.	No change will be made based on this comment. Information about who reads the form to applicant is a standard request in all new and newly-revised USCIS forms. If the applicant reads English and prepares the form and uses no translator or interpreter, then the preparer and interpreter sections can be left blank.
8	CLINIC	Part 8	Contact Information, Statement, Certification, and Signature of the Person Preparing this Petition, if other Than the Petitioner	As stated above, CLINIC opposes the integration of any conditional certification or acknowledgments in the form and recommends that they be included as a supplement or addendum. We understand that the USCIS has agreed to use plainer, simpler language as in Form I-140.6 We recommend the use of the following language instead.	No change will be made based on this comment. USCIS is adding language to combat immigration fraud as requested by federal law enforcement agencies. USCIS is also utilizing the attestation process to meet its identity-proofing and attribution requirements established for electronic remote authentication under federal law. The language is not overly long or repetitive nor does it place excessive burden on respondents. The preparer's section certification does not require a preparer to swear to his or her knowledge and truth of all information in the application. Rather, by completing the certification, the preparer is certifying that he or she "completed the form based only on responses the petitioner provided to" him or her and "reviewed
8	CLINIC	Part 8	Preparer's Declaration from Form I-140:	I declare that I prepared this petition at the request of the petitioner, that it is based on all of the information of which I have knowledge, and that the information is true to the best of my knowledge.	
8	CLINIC	Specific Feedback on Form I-130A		Form I-130A, Supplemental Information for Spouse Beneficiary is a new form that would be required of all spousal beneficiaries. Its stated purpose is to collect additional information for a spouse beneficiary of a Form I-130, Petition for Alien Relative. We understand that if the beneficiary resides outside of the U.S., they are required to complete the form but not required to sign it. It is not clear whether USCIS intends to eliminate the use of Form G-325A, replacing it with Form I-130A. CLINIC would oppose the use of both Forms, as the data is duplicative. Our specific comments and suggestions about this form are below listed.	The Form I-130A will replace the Form G-325A when filing a Form I-130 on behalf of a spouse beneficiary.
8	CLINIC	Part 1	Address History	The proposed form solicits Physical Address 1 and then Physical Address 2, which could be interpreted by others that the individual should provide two physical addresses. We recommend adding a simple statement on the form indicating that the petitioner should list addresses held for the past five years starting with the current address.	Similar language is already used to introduce the section on the Address History. Form I-130A indicates to list the current address first.
8	CLINIC	Part 4	Spouse Beneficiary's Statement, Contact Information, Certification, and Signature, NOTE	The note in this section refers to Form I-130A Instructions. There are currently no such separate instructions. As we understand, there is only one set of instructions that is for Form I-130 and Form I-130A. We recommend changing the language to, "Read the information on penalties in the Penalties section of the Form I-130 and I-130A Instructions before completing this part."	This has been updated.
8	CLINIC	Part 4	Spouse Beneficiary's Statement, Contact Information, Certification, and Signature, Spouse Beneficiary's Signature	In the box below > Start Here on page 1 of Form I-130A, the last statement says, "If you reside overseas, you still must complete Form I-130A, but you do not need to sign the form." At this section of the form, the signature appears to be required. Further, the following Note indicates, "If you do not completely fill out this form or fail to submit required documents listed in the Instructions, USCIS may deny the Form I-130 filed on your behalf." We recommend a clarifying statement at or above Question 6.a. that reiterates that a signature is not required for the beneficiary abroad.	If the beneficiary resides overseas, then the signature is not required (as stated in the Instructions). Therefore, the Form I-130A would be considered completed without the signature.

8	CLINIC	Part 4	Spouse Beneficiary's Statement, Contact Information, Certification, and Signature; Preparer's Certification	CLINIC opposes the integration of any conditional certification or acknowledgements in the form and recommends that they be included as a supplement or addendum. We understand that USCIS has agreed to use plain, simpler language as in Form I-140.7 We recommend the use of the following language instead.	USCIS is adding language to combat immigration fraud as requested by federal law enforcement agencies. USCIS is also utilizing the attestation process to meet its identity-proofing and attribution requirements established for electronic remote authentication under federal law. The language is not overly long or repetitive nor does it place excessive burden on respondents. The preparer's section certification does not require a preparer to swear to his or her knowledge and truth of all information in the application. Rather, by completing the certification, the preparer is certifying that he or she "completed the form based only on responses the petitioner provided to him or her and "reviewed it and all of the applicant's responses
8	CLINIC		Preparer's Declaration from Form I-140:	I declare that I prepared this petition at the request of the petitioner, that it is based on all of the information of which I have knowledge, and that the information is true to the best of my knowledge.	
8	CLINIC	Specific Feedback on Form I-130 and Form I-130A Instructions			
8	CLINIC	Page 1	Who May File Form I-130? Note #1	CLINIC supports the additional instructions regarding Form I-190A, particularly the notice that spouses overseas do not have to sign the form.	Thank you for your comment.
8	CLINIC	Page 1	Who May File Form I-130?	Child was born to parents who were married to each other at the time of the child's birth. Biological child of parents in valid marriage at the time of child's birth.	We will take your comments and suggestions under consideration.
8	CLINIC			Stepchild/Stepparent. Parent relationship created by valid marriage between biological parent and stepparent before child reaches 18 years of age.	
8	CLINIC			Child was legitimated before 18 years of age. Child born outside a valid marriage BUT legitimated under the law of the child's residence or domicile or under the law of the father's residence of domicile, before the child reaches 18 years of age. Legitimation places the child in the same legal position as a child born in wedlock. The law of a state or foreign country may recognize various forms of legitimation. The most widely recognized form of legitimation is the subsequent marriage of the child's parents after the child's birth.	
8	CLINIC			Child was born to parents who were not married to each other at the time of the child's birth. Child born outside a valid marriage and NOT legitimated under the law of the child's residence or domicile or under the law of the father's residence of domicile, before the child reaches 18 years of age. Includes relationship to biological mother or biological father if the father has or had a bona fide parent-child relationship with the child before the child reaches (ed) 21 years of age.	
8	CLINIC			Child was adopted (not an Orphan or Hague Convention adoptee). Child legally adopted while under 16 years of age (or under age of 18 if biological sibling adopted under age 16) and who is in the legal custody of, and has resided with the adoptive parent for at least two years before or after the adoption. This definition does not include children who meet the definition of an Orphan or must comply with rules under the Hague Convention.	
8	CLINIC		Who May File Form I-130? Note #2	CLINIC supports the proposed changes, as it includes simpler language to help clarify that a petition for an F2B beneficiary will automatically be denied or revoked if the beneficiary marries.	Thank you for your comment.
8	CLINIC		Who May File Form I-130? Note #3	CLINIC supports the proposed change clarifying that U.S. national petitioners should indicate that they are LPRs on the Form I-130.	Thank you for your comment.
8	CLINIC		Who May File Form I-130? Note 4 & 5	Proposed changes attempt to clarify who can be considered a derivative beneficiary and that separate petitions are not required for derivatives.	We will take your comments and suggestions under consideration
8	CLINIC			Paragraph 4 does not state that it refers to a USC Petitioner while paragraph 5 states that it refers to a LPR Petitioner. If the two separate paragraphs are retained they should be consistent with each other. Alternatively, paragraphs 4 & 5 could be consolidated since some information listed in the section is repetitive. It may be simpler to list all categories that may have derivative beneficiaries ("If your relative qualifies under Items 1.C., 1.D., 1.E., 2.A., 2.B., or 2.C. above, you are not required to file separate petitions...").	
8	CLINIC	Page 1	Who May File Form I-130? Note 6	The language does not refer to the correct paragraphs describing derivative beneficiaries. Language stating that derivatives may apply for an immigrant visa "along with your relative" is unclear. Greater clarification on this would be helpful. Recommended language: The derivative beneficiaries described in Items 4 and 5 above can apply for an immigrant visa along with the principal beneficiary. The derivative beneficiary can be included on the same Form I-130 and you do not need to file a separate petition.	We will update the instructions to ensure numbering is correct. In addition, the 6 deals with an "immigrant visa" and not an "immigrant petition."
8	CLINIC	Page 2	Who May Not File Form I-130	CLINIC recommends adding a category in this section to warn Petitioners against filing an I-130 if they have adopted a child, or plan to adopt a child from a Hague Convention country and inform Petitioners that they must follow the Hague process. We also suggest a link to the State Department's webpage to help individuals identify Hague Convention countries. Recommended language: An adoptive parent or prospective adoptive parent of a child from one of the Hague Convention countries who must comply with specific requirements under the law. For a list of Convention countries, please visit the Department of State's adoption webpage.	We will take your comments and suggestions under consideration.
8	CLINIC	Page 2	General Instructions, Biometrics Service Fee; Biometrics Service Appointment; Acknowledgement of Appointment at USCIS Application Support Center	It is unclear whether the proposed language will result in procedural changes at ASCs, requiring a Petitioner to affirm the contents of the Form I-130. The proposed Instructions indicate that a Petitioner may be required to attend a biometrics appointment. We suggest clarifying in the instruction that the affirmation should only be signed if the Petitioner is called for biometrics.	This is part of the new "standard language" and/or new "standard layout" of forms
8	CLINIC	Page 3	How to Fill Out Form I-130, # 5	CLINIC opposes the collection of information that is not required for the adjudication of a petition.	"Biographic Information" is part of the new "standard language" and/or new "standard layout" of forms.
8	CLINIC	Page 4	How to Fill Out Form I-130, #6	As stated above, CLINIC opposes the integration of any conditional certification or acknowledgements in the form and recommends that they be included as a supplement or addendum. The instruction refers to the Acknowledgement of Appointment at ASC on the Form I-130 part 6, but does not provide any context for the new requirement. CLINIC recommends clarifying in the instructions that the petitioner should fill in name in the Part 6 ASC certification. Petitioner may receive a biometrics appointment. If so, USCIS will ask the petitioner to sign the following certification.	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.

9	AILA			We recommend that USCIS shorten the proposed forms to reduce the burden on petitioners and their attorneys. The proposed changes to the Form I-130 would expand the length of the current form from 2 pages to 19 pages. Additionally, USCIS introduced a new supplementary Form I-130A for the Spouse Beneficiary which is 6 pages. The ever-increasing length and complexity of USCIS forms places an undue burden on petitioners and completing the forms, as proposed, will be far more time consuming for petitioners without a clear added benefit. The form's added length also will inevitably lead to longer adjudication times and processing delays.	USCIS has added questions that were unique to the Form G-325A to the Form I-130, reducing the burden on the petitioner by removing the remaining duplicate questions currently found on the Form G-325A. USCIS has also added language to combat immigration fraud, which contributes to the increased length through signature sections for the various persons who may assist in the completion of the form.
9	AILA			It appears that USCIS is incorporating the contents of Form G-325A, Biographic Information into the proposed Form I-130 and proposed Form I-130A, along with additional detailed questions. USCIS should clarify whether it intends to use the Form G-325A moving forward. Additionally, by incorporating Form G-325A into proposed Forms I-130 and I-130A, USCIS appears to be requiring all I-130 petitioners and beneficiaries to submit detailed biographical information, even though only petitioners filing Form I-130 for a spouse are required to submit Form G-325A. The inclusion of these detailed biographic questions makes the application process far more time consuming for non-spousal petitioners and runs contrary to the purpose of the PRA. USCIS should work to shorten and simplify the forms and the accompanying instructions to reduce the overall burden on the public.	Form G-325A will no longer be used with Form I-130. USCIS has added questions that were unique to the Form G-325A to the Form I-130, reducing the burden on the petitioner by removing the remaining duplicate questions currently found on the Form G-325A. USCIS has also added language to combat immigration fraud, which contributes to the increased length through signature sections for the various persons who may assist in the completion of the form.
9	AILA			Certifications and Acknowledgements	USCIS has previously responded to comments related to the certifications and Acknowledgement Sections submitted under other forms.
9	AILA		Page 1, Part 1- Question 2, Relationship	We recommend that USCIS remove this question from the proposed form because it will be confusing to pro se applicants. The word "legitimated" is a complex term that requires precise legal analysis.	We have deleted the choice relating to "legitimation."
9	AILA		Pages 2-3, Part 2- Questions 16-18, Your Marital Information	Question 17 should be the first question in this section. If the answer is single, never married, the petitioner should be instructed to skip the rest of the questions in this section and resume on the subsection labeled "Parents" - question 24. If the answer is anything else except "Married", the petitioner should be instructed to answer what is now question 16 and then skip to the section on Spouse 1. If the answer is "Married," the petitioner should be instructed to proceed to what is now question 16 and then go on from there. Questions 18 and 19, relating to current marriage date and place, should be combined with the information about Spouse 1 and that subsection should be entitled "Current Spouse." Starting with what is now Spouse 2, that should be called Prior Spouse 1, and then on from there.	Questions do currently direct the Petitioner to respond only "if married" and "if any" past or current spouses exist.
9	AILA		Page 3, Part 2, Question 21, Name of All Your Spouses	This section requests the petitioner to "[p]rovide information on your current spouse (if currently married) first and then list all your prior spouses (if any)..." Question 21 requests the petitioner provide the "Date Marriage Ended." USCIS should add language to the form to instruct petitioners that are currently married to respond to this question by writing "Present."	We will take your comments and suggestions under consideration
9	AILA		Page 3, Part 2, Questions 27, 28, 32 & 33, Information About Your Parents	USCIS should instruct petitioners whose mother or father is deceased to write deceased in response to questions 27, 28, 32, and 33.	This is part of the new "standard language" and/or new "standard layout" of forms.
9	AILA		Page 4, Part 2, Questions 38-a-38-b, Information About You (Petitioner)	USCIS should amend questions 38.a. and 38.b. to read the following: 38.a. Class of Last Admission. (Category code is listed on permanent resident card). 38.b. Date of Admission (mm/dd/yyyy). (Date of Admission is the "Resident Since" date listed on the permanent resident card.)	USCIS believes these questions are already adequately worded to convey what required information is necessary.
9	AILA		Page 5, Part 4, Questions 16, Beneficiary's Marital Information	See comments above for Pages 2-3, Part 2- Questions 16-18, Your Marital Information	We will take your comments and suggestions under consideration
9	AILA		Page 5, Part 4, Question 17, Name of Beneficiary's Spouses.	See comments above for Page 3, Part 2, Question 21, Names of All Your Spouses.	We will take your comments and suggestions under consideration
9	AILA		Page 6, Part 4, Questions 22-25, Beneficiary's Entry Information	These questions should be removed from the proposed form. It was not previously requested as part of the I-130 process and is irrelevant to the determination on the petition.	Passport information is necessary to help combat fraud to ensure an appropriately filed I-130.
9	AILA		Page 7, Part 4, Information About Beneficiary's Family	USCIS should edit the form so that it reads, "Provide information about the beneficiary's spouse (if the beneficiary's spouse is not the petitioner) and provide information about the beneficiary's children."	We will take your comments and suggestions under consideration
9	AILA		Page 8, Part 4, Information About Beneficiary.	Questions 57 and 58 request the last address where the couple lived together; however, the couple may have never lived together. As such, AILA requests that USCIS add a "not-applicable" or "never lived together" option. Questions 59.a. and 59.b. are duplicative of questions 57.c. and 57.d and should be removed from the proposed form.	The duplicative questions have been deleted.
9	AILA		Page 9, Part 5, Other Information (title)	USCIS should amend the title to read "Part 5. Other Information About the Petitioner." In order to limit confusion, we recommend moving this section so that it is before "Part 4. Information About Beneficiary."	This section deals with other possible petitions, not about the Petitioner him/herself. Therefore, we will keep the title and placement as is.
9	AILA		Comments on Proposed Form I-130A		
9	AILA		Page 2, Part 1, Questions 14, 15, 20 & 21, Information About Your Mother/Father	USCIS should instruct petitioners whose mother or father is deceased to write "deceased" in response to questions 14, 15, 20, and 21.	This is part of the new "standard language" and/or new "standard layout" of forms.
9	AILA		The following questions on proposed Form I-130A are overly burdensome and/or duplicative of questions contained in proposed Form I-130 and should be removed.		
9	AILA		Last Physical Address Outside the United States, B.a.-8.f.,	These questions appear to be duplicative of those in proposed Form I-130, page 8, questions 51.a.-51.f.	Part 1, Item 8 specifically asks for the last physical address outside the United States where the beneficiary lived at for more than a year, which (depending on the beneficiary's address history) may not be captured in any other portion of the Form I-130 or Form I-130A.

9	AILA	Pages 2-3, Parts 2-3 Information About Your Employment Inside and Outside the United States	The beneficiary's current employment information is included on page 6, questions 26.a - 27 of the proposed Form I-130. This question should not be included again on the proposed Form I-130A.	Part 2, Items 1-4 allows for a complete and comprehensive employment history of the Beneficiary even if currently unemployed, whereas the Form I-130 only allows for current employment information.
9	AILA	Comments on Proposed Instructions for Form I-130 and Form I-130A		
9	AILA	Page 1, Note 1.	AILA commends USCIS for stating that the beneficiary residing overseas does not have to sign the Form I-130A.	Thank you for your comment.
9	AILA	Page 1, Note 2.	USCIS should edit Note 2 to clarify that it will deny or revoke the petition filed for the son/daughter if the son/daughter marries before the parent becomes a U.S. citizen or before your son or daughter immigrates to the U.S. or adjusts status to lawful permanent resident.	This is already addressed in instructions through the language used.
9	AILA	Page 2, Who May Not File Form I-1307, #1	This section is an oversimplification of the adoptive parent or adopted child category. A child adopted between 16 and 18 can qualify as an adopted child if the adoptive parents also adopt the child's younger sibling (who is under 16 years of age). Also, actual physical custody is not always necessary if there is constructive physical custody, such as where the child is away at boarding school. The instructions should direct prospective petitioners to visit the USCIS webpage, http://www.uscis.gov/adoption , and the State Department webpage, http://travel.state.gov/content/adoption abroad/en/adoption-process.html , for further instructions concerning cases involving adoptions.	We will take your comments and suggestions under consideration.
9	AILA	Page 2, Who May Not File Form I-1307, #4	We recommend that this category be revised to read "A spouse, if you and your spouse were not both physically present at the marriage ceremony, unless the marriage was consummated." The current statement appears to require both physical presence at the marriage ceremony and consummation before a marriage will be recognized but consummation is not required if the parties were both at the ceremony.	We will take your comments and suggestions under consideration
9	AILA	Page 2, Who May Not File Form I-1307, #5	USCIS should include clarify that a naturalized U.S. citizen who obtained permanent residence through marriage to a permanent resident or U.S. citizen is also not precluded from petitioning for a spouse.	We will take your comments and suggestions under consideration
9	AILA	Page 2, General Instructions, Biometric Services Fee	Though we note that under 8 CFR §103.2(b)(9), an applicant, petitioner, sponsor, beneficiary, "or other individual residing in the United States at the time of filing an benefit request may be required to appear for fingerprinting or for an interview," requiring a U.S. citizen or lawful permanent resident spouse or step-parent to appear for biometrics capture should be (and generally is) the exception, rather than the rule.	USCIS has reviewed the comment and finds no action to take. USCIS is required to provide the services allowed under the laws that guide the agency
9	AILA	Page 4, Question 6 Form I-94 Arrival-Departure Record.	Noncitizens that are unable to obtain a copy of their I-94 should not have to pay a fee and file Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. Instructions should be provided on how to contact CBP either by telephone or by visiting the CBP Deferred Inspection Office, explaining that the Form I-94 is not available online, and asking for a copy of the Form I-94. Contact information for the Deferred Inspection Offices can be found on CBP's website: http://www.cbp.gov/contact/deferred-inspection/overview-deferred-inspection .	This is part of the new "standard language" and/or new "standard layout" of forms; it does direct individuals to visit the CBP website for further information on the I-94.

Part of Form I-130	Heading or Question
Part 1	
	Question 2
Alternatively, if the “legitimated” choice remains on the form, we suggest a cue or definition for “legitimated” on the form as well as additional detail in form instructions.	
Part 2	Main heading, “Information About You (Petitioner)”
Part 2	Address History
Part 2	Marital History, Place of Current Marriage, Names of All Your Spouses

Part 2	Information About Your Parents
Part 2	Question 38
Part 2	Employment History, Questions 40-47
Part 3	Biographic Information, Questions 1 - 6

Part 4	Information about Beneficiary, Question 11
Part 6	Petitioner's Statement, Contact Information, Acknowledgment of

Part 7	Interpreter's Certification
Part 8	Contact Information, Statement, Certification, and Signature of the Person Preparing this Petition, If other Than the Petitioner
Part 8	Preparer's Declaration from Form I-140:
Specific Feedback on Form I-130A	
Part 1	Address History

Part 4	Spouse Beneficiary's Statement, Contact Information, Certification, and Signature, NOTE
Part 4	Spouse Beneficiary's Statement, Contact Information, Certification, and Signature. Spouse Beneficiary's Signature
Part 4	Spouse Beneficiary's Statement, Contact Information, Certification, and Signature. Preparer's Certification
	Preparer's Declaration from Form I-140:
Specific Feedback on Form I-130 and Form I-130A Instructions	
Page 1	Who May File Form I-130? Note #1

Page 1	Who May File Form I-130?

	Who May File Form I-130? Note #2
	Who May File Form I-130? Note #3
	Who May File Form I-130? Note 4 & 5

Page 1	Who May File Form I-130? Note 6
Page 2	Who May Not File Form I-130
Page 2	General Instructions, Biometrics Service Fee; Biometrics Service Appointment; Acknowledgement of Appointment at USCIS Application Support Center
Page 3	How to Fill Out Form I-130, # 5

Page 4	How to Fill Out Form I-130, #6

Comment

The question provides five choices. The question indicates the petitioning parent or child is to select only one, when more than one may apply. Specifically, a child could be born to parents who are not married and be legitimated before 18 years of age. Also, the term "legitimated" is a term that is not broadly understood by lay persons. As presented, this could be confusing to petitioners and could result in mistakes occurring in the attempt to select the correct box. CLINIC recommends eliminating the choice Child was legitimated before age 18 and adding a note or cue referring the Petitioner to the instructions on what documentation is needed to prove the specific family relationship on pages 6-8.

Lastly, CLINIC recommends providing definitions of the child-parent relationship in the instructions under "How to Fill Out Form I-130," page 3. There are explanations in this section for other questions to provide clarity. The addition of these definitions will assist the petitioner in selecting the correct relationship and reduce the risk of error.

CLINIC supports the revision of this heading, as it helps clarify that the questions below pertain to the Petitioner.

CLINIC opposes the collection of information that is not necessary for the

CLINIC recommends changing the "separated" option to "legally separated" to avoid confusion and to aid in the collection of more accurate data that is relevant to the petition adjudication. The term "separated" is subjective and does not accurately reflect a marital status.

CLINIC opposes the collection of information that is not required for the adjudication of a petition. The Petitioner's marital information is not relevant if he or she is sponsoring a brother, sister, or parent. We recommend making this question conditional.

CLINIC opposes the collection of information that is not required for the adjudication of a petition. The Petitioner's parental information is not relevant to an application for a child. We recommend making this question conditional.

The current version of Form I-130 at Part B, question 14 is worded, "If you are a lawful permanent resident alien, complete the following: Date and place of admission for or adjustment to lawful permanent residence and class of admission." CLINIC recommends rewording the three parts to this question to clarify that it also applies to individuals who have adjusted their status to lawful permanent residence. We also recommend a cue for applicants who may not understand how to complete "class of admission."

CLINIC opposes the collection of information that is not required for the adjudication of a petition. The Petitioner's employment history for the past five years is only relevant and typically collected in cases of spouse sponsorship. Requiring this information in non-spousal cases places undue burden on petitioners. We recommend making this question conditional.

CLINIC opposes the collection of information that is not required for the adjudication of a petition. We recommend redacting this section.

This question asks the Petitioner if anyone has ever filed a petition for the beneficiary. This information may not be known to the beneficiary, let alone the Petitioner. Parents and siblings often file petitions for their relatives, knowing that the wait for a visa number may be decades long. Such petitions are often forgotten over a period of years. In combination with the Petitioner's statement requiring certification, under penalty of perjury, that the response to this question is correct, this places an unfair burden on a Petitioner whose spouse may have been the beneficiary of a past petition. The Service is in the best position to have this type of information. CLINIC contemplates that Petitioners and Beneficiaries would first have to file a FOIA request to review the Beneficiary's immigration history prior to proceeding with an immigrant petition. This

CLINIC recommends redacting. The implementation process for this section is currently unknown, but it appears that USCIS would require the Petitioner to appear for biometrics collection and to verify the accuracy of their application, again, during biometrics collection. If this is the case, this is a process that has not been required of Petitioners in the past. This requirement would confuse the roles of DHS employees and contractors at the Application Support Center (ASC) with adjudicating officers. Additionally, there appears to be no mechanism by which a Petitioner, while attending such an appointment, may actually review and submit updated information, correct typographical errors, or otherwise revise data on the petition. Finally, the Acknowledgement of Appointment appears to require the Petitioner engage a practitioner or representative, who will review and explain the ASC acknowledgement. CLINIC is concerned that this may imply that a practitioner or representative may be required to attend the ASC appointment with their client, which would be highly unlikely and tremendously burdensome

Only a portion of individuals who petition for their family members will require the assistance of an interpreter. CLINIC recommends that it be included as a supplement. CLINIC urges USCIS to re-evaluate these statements, certifications, and acknowledgements and replace them with more concise language that is less cumbersome and easier to understand.

As stated above, CLINIC opposes the integration of any conditional certification or acknowledgements in the form and recommends that they be included as a supplement or addendum. We understand that the USCIS has agreed to use plainer, simpler language as in Form I-140.6 We recommend the use of the following language instead.

I declare that I prepared this petition at the request of the petitioner, that it is based on all of the information of which I have knowledge, and that the information is true to the best of my knowledge.

Form I-130A, Supplemental Information for Spouse Beneficiary is a new form that would be required of all spousal beneficiaries. Its stated purpose is to collect additional information for a spouse beneficiary of a Form I-130, Petition for Alien Relative. We understand that if the beneficiary resides outside of the U.S., they are required to complete the form but not required to sign it. It is not clear whether USCIS intends to eliminate the use of Form G-325A, replacing it with Form I-130A. CLINIC would oppose the use of both Forms, as the data is duplicative. Our specific comments and suggestions about this form are below listed.

The proposed form solicits Physical Address 1 and then Physical Address 2, which could be interpreted by others that the individual should provide two physical addresses. We recommend adding a simple statement on the form indicating that the petitioner should list addresses held for the past five years starting with the current address.

The note in this section refers to Form I-130A Instructions. There are currently no such separate Instructions. As we understand, there is only one set of Instructions that is for Form I-130 and Form I-130A. We recommend changing the language to, "Read the information on penalties in the Penalties section of the Form I-130 and I-130A Instructions before completing this part."

In the box below > Start Here on page 1 of Form I-130A, the last statement says, "If you reside overseas, you still must complete Form I-130A, but you do not need to sign the form." At this section of the form, the signature appears to be required. Further, the following Note indicates, "if you do not completely fill out this form or fail to submit required documents listed in the Instructions, USCIS may deny the Form I-130 filed on your behalf." We recommend a clarifying statement at or above Question 6.a. that reiterates that a signature is not required for the beneficiary abroad.

CLINIC opposes the integration of any conditional certification or acknowledgements in the form and recommends that they be included as a supplement or addendum. We understand that the USCIS has agreed to use plainer, simpler language as in Form I-140.7 We recommend the use of the following language instead.

I declare that I prepared this petition at the request of the petitioner, that it is based on all of the information of which I have knowledge, and that the information is true to the best of my knowledge.

CLINIC supports the additional instructions regarding Form I-130A, particularly the notice that spouses overseas do not have to sign the form.

As indicated above, CLINIC recommends a cue to Petitioners on Form I-130 that they should carefully consider the definitions of these terms as they make their selection. We recommend that the form instructions include definitions in simple terms, with reference to legal citations, as necessary. We propose the following:

Child was born to parents who were married to each other at the time of the child's birth. Biological child of parents in valid marriage at the time of child's birth.

Stepchild/Stepparent. Parent relationship created by valid marriage between biological parent and stepparent before child reaches 18 years of age.

Child was legitimated before 18 years of age. Child born outside a valid marriage BUT legitimated under the law of the child's residence or domicile or under the law of the father's residence of domicile, before the child reaches 18 years of age. Legitimation places the child in the same legal position as a child born in wedlock. The law of a state or foreign country may recognize various forms of legitimation. The most widely recognized form of legitimation is the subsequent marriage of the child's parents after the child's birth.

Child was born to parents who were not married to each other at the time of the child's birth. Child born outside a valid marriage and NOT legitimated under the law of the child's residence or domicile or under the law of the father's residence of domicile, before the child reaches 18 years of age. Includes relationship to biological mother or biological father if the father has or had a bona fide parent-child relationship with the child before the child reaches (ed) 21 years of age.

Child was adopted (not an Orphan or Hague Convention adoptee). Child legally adopted while under 16 years of age (or under age of 18 if biological sibling adopted under age 16) and who is in the legal custody of, and has resided with the adoptive parent for at least two years before or after the adoption. This definition does not include children who meet the definition of an Orphan or must comply with rules under the Hague Convention.

CLINIC supports the proposed changes, as it includes simpler language to help clarify that a petition for an F2B beneficiary will automatically be denied or revoked if the beneficiary marries.

CLINIC supports the proposed change clarifying that U.S. national petitioners should indicate that they are LPRs on the Form I-130.

Proposed changes attempt to clarify who can be considered a derivative beneficiary and that separate petitions are not required for derivatives.

Paragraph 4 does not state that it refers to a USC Petitioner while paragraph 5 states that it refers to a LPR Petitioner. If the two separate paragraphs are retained they should be consistent with each other Alternatively, paragraphs 4 & 5 could be consolidated since some information listed in the section is repetitive. It may be simpler to list all categories that may have derivative beneficiaries (“If your relative qualifies under Items 1.C., 1.D., 1.E, 2.A., 2.B., or 2.C. above, you are not required to file separate petitions...”).

The language does not refer to the correct paragraphs describing derivative beneficiaries. Language stating that derivatives may apply for an immigrant visa “along with your relative” is unclear. Greater clarification on this would be helpful. Recommended language: The derivative beneficiaries described in Items 4 and 5 above can apply for an immigrant visa along with the principal beneficiary. The derivative beneficiary can be included on the same Form I-130 and you do not need to file a separate petition.

CLINIC recommends adding a category in this section to warn Petitioners against filing an I-130 if they have adopted a child, or plan to adopt a child from a Hague Convention country and inform Petitioners that they must follow the Hague process. We also suggest a link to the State Department’s webpage to help individuals identify Hague Convention countries.
Recommended language: An adoptive parent or prospective adoptive parent of a child from one of the Hague Convention countries who must comply with specific requirements under the law. For a list of Convention countries, please visit the Department of State’s adoption webpage.

It is unclear whether the proposed language will result in procedural changes at ASCs, requiring a Petitioner to affirm the contents of the Form I-130. The proposed Instructions indicate that a Petitioner may be required to attend a biometrics appointment. We suggest clarifying in the Instruction that the affirmation should only be signed if the Petitioner is called for biometrics.

CLINIC opposes the collection of information that is not required for the adjudication of a petition.

As stated above, CLINIC opposes the integration of any conditional certification or acknowledgements in the form and recommends that they be included as a supplement or addendum. The instruction refers to the Acknowledgement of Appointment at ASC on the Form I-130 part 6, but does not provide any context for the new requirement. CLINIC recommends clarifying in the instructions that the petitioner should fill in name in the Part 6 ASC certification. Petitioner may receive a biometrics appointment. If so, USCIS will ask the petitioner to sign the following certification.