

I-929 EXT 60 Day FRN Public Comments Matrix

Comment #	Public Comments	USCIS Response
Comment 1. 01/28/19	Commenter: Cecelia Levin from ASISTA	
	<p>A. General Comment We ask USCIS to amend the gender field on the I-929 form in a way that is more inclusive and representative. An open text box rather than “male” and “female” checkboxes is recommended. B. Part 2: Information about your alien relative, page 1. The section entitled “Mailing address If Other Than Above” just has an open space to enter in the address. It would clarify the process for applicants and adjudicators to have the address designations similar to other parts of the form including street name and number, apt. number, city, state, country, and postal/zip code. C. Part 2, Information About You Continued, page 4. The regulations at 8 CFR 245.24(g)(4) state that an I-929 may be filed when the principal U1 holder “has adjusted status to that of a legal permanent resident, has a pending application for adjustment of status, or is concurrently filing an applicant for adjustment of status.” 2 We recommend the following: ● Part 1. Information about You (Cont’d), page 4. ○ Add a checkbox that indicates the I-929 is being filed concurrently with the principal U-1 holder’s I-485 filing.</p>	<p>USCIS strives for consistency across forms whenever possible. As this would require an update to all USCIS forms and associated electronic systems, USCIS is unable to make changes to this question on this particular form at this time. USCIS has noted this suggestion for future consideration.</p>
	<p>The section entitled “Mailing address If Other Than Above” just has an open space to enter in the address. It would clarify the process for applicants and adjudicators to have the address designations similar to other parts of the form including street name and number, apt. number, city, state, country, and postal/zip code.</p>	<p>USCIS appreciates this suggestion and will consider clarifying this in a future substantive revision of Form I-929.</p>
	<p>C. Part 2, Information About You Continued, page 4. The regulations at 8 CFR 245.24(g)(4) state that an I-929 may be filed when the principal U1 holder “has adjusted status to that of a legal permanent resident, has a pending application for adjustment of status, or is concurrently filing an applicant for adjustment of status.” 2 We recommend the following: ● Part 1. Information about You (Cont’d), page 4. ○ Add a checkbox that indicates the I-929 is being filed concurrently with the principal U-1 holder’s I-485 filing.</p>	<p>USCIS appreciates this suggestion and will consider incorporating this into a future substantive revision of Form I-929.</p>
	<p>C. Clarify the accurate evidentiary standards that comport with existing regulations The section “What if a Document is Not Available” on page 3 of the</p>	<p>The current Form Instructions are consistent with existing DHS regulations. See 8 CFR</p>

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	<p>I-929 instructions indicate that if a document is not available, that applicants should “submit a statement from the appropriate civil authority certifying that the document or documents are not available.” We believe that requiring U visa holders to obtain statements from civil authorities go beyond the scope of what is required and necessary according to the standards set for in 8 CFR 245.24(h)(1)(iii) and 8 CFR 103.2(b)(2). 7 We echo the recommendations made in the 2009 Legal Momentum Comment and recommend that the Instructions be amended in the following ways: Page 3: What if a Document is not Available: ● “In such a situation, submit a statement from the appropriate civil authority certifying that the document or documents are not available. You must also submit secondary evidence, including.”</p>	<p>103.2(b)(2)(i) and (ii). USCIS will consider clarifying this section in a future substantive revision of Form I-929.</p>
	<p>● Add a paragraph that states, “If required document or secondary evidence is not available, submit evidence that good faith attempts were made to obtain the required document or statement. USCIS will consider any credible evidence provided that explains why a required document is unavailable.”</p>	<p>USCIS declines this suggestion, as it is not consistent with 8 CFR 103.2(b)(2)(ii)..</p>
	<p>● Add a paragraph that states, “If required document or secondary evidence is not available, submit evidence that good faith attempts were made to obtain the required document or statement. USCIS will consider any credible evidence provided that explains why a required document is unavailable.” D. Privacy Act Statements We recommend adding in language reiterating that any disclosure of information must be done in accordance with the confidentiality provisions at 8 USC §1367. On page 5 of the instructions, under “Routine Uses,” it should be stated that the information contained in the Form I-929 will not be shared with other government agencies unless specifically permitted under 8 USC §1367. For example, the instructions for the I-765V, Application for Employment Authorization for Abused Nonimmigrant Spouses, the routine uses statement reads: “Routine Uses: The information you provide in the application is confidential and protected from disclosure under 8 USC 1367. The information will be used by and disclosed to DHS personnel and contractors or other agents in accordance with approved routine uses, as described in the associated published system of records notices [DHS USCIS-001 - Alien File, Index, and National File Tracking System of Records and DHS-</p>	<p>USCIS appreciates this suggestion and will consider clarifying this in a future substantive revision of Form I-929.</p>

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	<p>USCIS-007 – Benefit Information System] which you can find at www.dhs.gov/privacy. DHS may also make the information available, as appropriate, for law enforcement purposes or in the interest of national security.” 8 Conclusion We appreciate the opportunity to comment on the I-929 application the accompanying instructions. Thank you in advance for your consideration.</p>	