

**SUPPORTING STATEMENT FOR
GENEALOGY INDEX SEARCH REQUEST AND GENEALOGY RECORDS REQUEST
OMB Control No.: 1615-0096
COLLECTION INSTRUMENT(S): Forms No. G-1041 and G-1041A**

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Section 112 of Public Law 106-553 (Making Appropriations for the Government of the District of Columbia and Other Activities Chargeable in Whole or in Part Against the Revenues of Said District of Columbia for the Fiscal Year Ending September 30, 2001 and for Other Purposes), established a Genealogy Fee for providing genealogy research and information services under section 286(t) of the Immigration and Nationality Act (Act). A Genealogy Program is necessary to provide a more timely response to requests for genealogical and historical records.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

Under Public Law 106-553, the U.S. Citizenship and Immigration Services (USCIS) charges a fee to recover the cost of searching for and identifying the presence or absence of an historical record. USCIS additionally charges a second set of fees to retrieve, copy, review, and mail historical records to requesters. There is a fee for a copy of a microfilmed record and a separate fee for a copy of a textual record. USCIS uses the data collected on these forms to determine eligibility for the requested service. The forms serve the purpose of standardizing requests for the benefit, and ensuring that basic information is required to assess eligibility provided by applicants.

The Genealogy Index Search Request, Form G-1041, is provided as a convenient means for customers to provide data necessary to perform a search of historical agency indices. The Genealogy Records Request, Form G-1041A, provides a convenient means for customers to identify a particular record desired under the Genealogy Program. The forms provide rapid identification of such requests and ensure expeditious handling.

Customers such as researchers, historians, and social scientists seeking ancestry information for genealogical, family history and heir location purposes will use Forms G-1041 and G-1041A. United States citizens seeking historical records to support a foreign application for dual citizenship may also use the forms.

3. **Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The use of these forms provides the most efficient means for collecting and processing the required data. Forms G-1041 and G-1041A are both available on the USCIS website (<http://www.uscis.gov/g-1041> and <http://www.uscis.gov/g-1041a>); they can be completed online but they cannot be e-filed. The filing fee must be submitted through the USCIS online filing system on the USCIS Website. Respondents will be directed to make their fee payment via the collection approved at 1615-0131 (USCIS Electronic Payment Processing).

4. **Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

A review of USCIS' Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose.

5. **If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

This collection of information does not have an impact on small businesses or other small entities.

6. **Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

This form was created to facilitate an accurate and timely response to USCIS Genealogy Program requests. If the information is not collected, a response to such requests may be impossible or unduly delayed.

7. **Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any**

document;

- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

- 8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On November 30, 2021, USCIS published a 60-day notice in the Federal Register at 86 FR 67965. USCIS received eight comments after publishing that notice. Comments and USCIS' responses are in Appendix A.

On April 20, 2022, USCIS published a 30-day notice in the Federal Register at 87 FR 23532. USCIS did not receive comments.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

USCIS does not provide any payment for benefit sought.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.

There is no assurance of confidentiality. This information collection is covered by the following PIA and SORN:

PIA

- DHS/USCIS-017(a) Microfilm Digitization Application System (MiDAS)

SORN

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, September 18, 2017, 82 FR 43556

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of**

OMB Form 83-I.

- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

Information Collection Hour Burden Estimate								
		A	B	C = A x B	D	E = C x D	F	G = E x F
Respondent Type	Form Name/ Form Number	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg. Burden per Response, in hours	Total Annual Burden, in hours	Avg. Hourly Wage Rate, in dollars	Total Annual Respondent Cost, in dollars
Individuals or households	Genealogy Index Search Request, G-1041	3,847	1	3,847	0.50	1,924	39.51	76,005
Individuals or households	Genealogy Records Request, G-1041A	2,920	1	2,920	0.50	1,460	39.51	57,690
Total				6,767		3,384		133,695

See NOTES Section for Citations

* The above Average Hourly Wage Rate is the [May 2020 Bureau of Labor Statistics](#) average wage for All Occupations of \$27.07 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$39.52. The selection of “All Occupations” was chosen because respondents to this collection could be expected from any occupation.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).
- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
 - If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or

contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995; (2) to achieve regulatory compliance with requirements not associated with the information collection; (3) for reasons other than to provide information or keep records for the government; or, (4) as part of customary and usual business or private practices.

Instrument	Fees, in dollars
G-1041	65
G-1041A	65

Out-of-pocket Cost to Respondent			
	A	B	D = A x B x C
Instrument	Respondents	Per Respondent Cost, in dollars	Total Out-of- Pocket Cost, in dollars
G-1041	3,847	32	122,912
G-1041A	2,920	32	93,294
Total Est. Cost		64	216,206

See NOTES Section for Citations

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Cost to Government						
	A	B	C	D	E	F = A (B + C x D + E)
Instrument	Respondents	USCIS Fee, in dollars	Adjudication Hours	Avg. Hourly Rate, in dollars	Other Government Costs	Total, in dollars
G-1041	3,847	65	0	-	-	250,055
G-1041A	2,920	65	0	-	-	189,800
Total Est. Cost						439,855

See NOTES Section for Citations

15. **Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.**

Estimated Respondent Annual Hourly Burden Change, in hours				
	A		B	C = B - A
Instrument	Hours Approved on Aug 28, 2020	Adjustment Type	New Hours Requested	Difference
G-1041	1,924	No Change	1,924	-
G-1041A	1,460	No Change	1,460	-
Total			3,384	-
Total Attributed to Program Change			-	-
Total Attributed to Agency Estimate			-	-

With this Extension action, there was no change in the total estimated annual hour burden. This result stems from no change in hours due to a change in the Agency Estimate and no change in hours due to Program Change reported in the above table. There are no other program changes.

Estimated Respondent Annual Out-of-Pocket Cost Burden Change, in dollars				
	A		B	C = B - A
Instrument	Out-of-Pocket Cost Approved on Aug 28, 2020	Adjustment Type	New Out-of- Pocket Cost Requested	Difference
G-1041	14,426	Agency Estimate	122,912	108,486
G-1041A	10,950	Agency Estimate	93,294	82,344
Total			216,206	190,830
Total Attributed to Program Change			-	-
Total Attributed to Agency Estimate			216,206	190,830

With this Extension action, there was an increase in the total estimated annual out-of-pocket cost burden. This result stems from an increase in costs due to a change in the Agency Estimate and no change in costs due to Program Change.

16. **For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

This information collection will not be published for statistical purposes.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

USCIS will display the expiration date for OMB approval of this information collection.

- 18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submission,” of OMB 83-I.**

USCIS does not request an exception to the certification of this information collection.

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved with this collection.

Appendix A

Comment #	Public Comments	USCIS Response
Comment 1.	<p>Commenter: Jane Berenbeim, International Association of Jewish Genealogy Societies Date: January 30, 2022</p>	
	<p>The International Association of Jewish Genealogical Societies <i>is the</i> umbrella organization of 92 genealogical societies and Jewish historical societies worldwide whose approximately 9,500 members are actively researching their Jewish roots. We want to ensure that our members will be allowed continued and maximum access to these records of genealogical importance. Our members use them for providing help in researching family history and tracing inherited medical conditions. The IAJGS and its predecessor organization were formed in 1988 to provide a common voice for issues of significance to its members and to advance our genealogical avocation. One of our primary objectives is to promote public access to genealogically relevant records. Our 42nd consecutive annual International Conference on Jewish Genealogy (https://s4.goeshow.com/iajgs/annual/2022/index.cfm) will be held in Philadelphia, PA in August 2022.</p> <p>We are writing in response to the proposed regulation regarding Genealogy Index Search Request and Genealogy Records Request. The proposed rule asks for comments in specified areas. Our comments specific to the proposed regulation are limited to the two forms G-1041 and G-1041A and their desirability under the current genealogy program. We further are suggesting that records be transferred to the National Archives.</p> <p>While our members are societies, not individuals, our members' members are individuals- both individual business and hobbyist genealogists. Access to the genealogical records and using the genealogy index and records requests are critical to their family research. Others in the genealogical community such as historians, researchers and social scientists, heir location researchers, and more are also involved with using these indices and records.</p> <p>As we expressed in our letter of June 20, 2016, responding to the proposed fee increases for the Genealogy Program we urged the records be transferred to the National Archives as soon as possible so</p>	<p>Response: USCIS published the genealogy forms to obtain an extension of their current approval by the U.S. Office of Management and Budget as required by the Paperwork Reduction Act. We proposed no changes to the current form, instructions, program or fees through this notice and request for comments.</p> <p>USCIS appreciates the comments and the concerns of this commenter. However, we cannot adopt the recommendations of the commenter by revising Forms G-1041 and G-1041A.</p> <p>The Genealogy Program encourages requesters to provide consent or evidence of death for third parties to ensure maximum access to the historical records requested. When privacy concerns arise, without such consent or evidence of death, as a matter of customer service, the records are re-directed to the FOIA Program for evaluation and application of exemptions as appropriate</p> <p>USCIS is currently in the process of preparing files, whose subject is 100 years or more, to be transferred to NARA ownership. This does take time, but the process is moving forward.</p>

Comment #	Public Comments	USCIS Response
	<p>that the records are freely accessible to the public. Once at the National Archives, the public would also be relieved of any financial burden to access the records. However, for the time the genealogy records remain at USCIS, and the two forms are to be continued, we support the continued use of forms to simplify and improve the process for genealogists.</p> <p>On files less than 100-years old, we understand the requirement to show proof of death for the alien. However, we do not understand the need to redact information about others mentioned in the file. We point out that the 1950 U. S. Census will be released 1 April 2022 after 72-years. We do not agree with the redaction of others mentioned on the forms. Others mentioned in the records assist family historians and others in researching the family members and can be critical when tracing inherited medical conditions. Other government agencies including NARA treat historical information with less stringent privacy rules. By not spending time doing the redactions, costs are saved which could reduce the fees charged.</p> <p>The U.S., Surgeon General has recommended that everyone create a family health history for three Generations (http://kahuna.clayton.edu/jqu/FHH/html/fhh.html?action=create#). The form specifically asks about Ashkenazi Jewish Heritage due to the increased risk the BRCA1 and BRCA2 genes carry for breast, ovarian and pancreatic cancer and for men prostate and pancreatic cancer. BreastCancer.org states Ashkenazi women who know they have a BRCA1 or BRCA2 gene and women who inherit a mutation in either of these genes — from their mothers or their fathers — have a much higher-than-average risk of developing breast cancer and/or ovarian cancer. One in 40 Ashkenazi Jewish women have a BRCA gene mutation. (https://www.cdc.gov/cancer/breast/young_women/bring_your_brave/hereditary_breast_cancer/jewish_women_brca.htm#) Five %-10% of breast cancers are thought to be hereditary, meaning the cancer is linked to mutations in genes passed from parent to child (https://www.breastcancer.org/research-news/ashkenazi-brca-statusand-bc-outcomes#). This supports the need for family historians to have easy and affordable access to the</p>	

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	<p>genealogy index and records.</p> <p>IAJGS reminds USCIS that regulators require the transfer of records created before 1950 to the National Archives. We note that all such records have not yet been transferred, and encourage their prompt transfer and the establishment of a system for automatic annual transfer.</p> <p>IAJGS also supports any improvements which make the service to genealogists more-timely and the process more efficient, thus potentially lowering the costs.</p> <p>With the above-mentioned amendments to the proposed regulation, we would support the proposal.</p> <p>IAJGS is a sponsoring member of the Records Preservation and Access Coalition (RPAC), and we support their statement on these proposed regulations.</p> <p>Thank you for your consideration.</p>	
<p>Comment 2.</p>	<p>Commenter: Jan Alpert, Records Preservation and Access Coalition Date: January 31, 2022</p>	
	<p>The Records Preservation and Access Coalition supports any improvements which make the service to genealogists more timely and the process more efficient, thus potentially lowering the costs charged to genealogists.</p> <p>The Federal Register, Vol. 86, No. 227 on Tuesday, November 30, 2021 includes under Overview of This Information Collection, Items (6) the total estimated annual hour burden associated with this collection is 3,384 hours and (7) the estimated total annual cost burden associated with the collection of information is \$339,855 which equates to an average of \$129.98 per request. This disclosure reveals that the proposed charges of more than \$600 in December 2019 were totally inappropriate and exorbitant.</p> <p>We would also like to mention two other points important to genealogists. On files relating to individuals less than 100 years old, we understand the requirement to show proof of death for the alien. However, we do not understand the need to redact information about others mentioned in the file. We point out that the 1950 U. S. Census will be released 1 April 2022 after 72 years and will include information which USCIS may be spending</p>	<p>Response: USCIS proposed no changes to the current form, instructions, program or fees through this notice and request for comments. The new fees that DHS established in 2020 are not being charged and DHS plans to propose new fees later in 2022. That rule will clearly explain how the proposed fees for the genealogy forms are calculated and comments will be welcomed.</p> <p>The Genealogy Program encourages requesters to provide consent or evidence of death for third parties to ensure maximum access to the historical records requested. When privacy concerns arise, without such consent or evidence of death, as a matter of customer service, the records are re-directed to the FOIA Program for evaluation and application of exemptions as appropriate</p> <p>Although we do have many records that are digitized and located in MiDAS, it doesn't cover all types of records, A files, Visa and</p>

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	<p>time to redact such as: names and ages of head of household and all children; address; race; sex; marital status; state born or if foreign born, the country; naturalization status; for persons over 14 years of age, were they working, type of work, and hours worked last week; income last year; and more. Other government agencies such as NARA treat this as historical information with less strict privacy rules. The time spent on redacting each file could be reduced thus lowering the costs and fees charged. RPAC continues to encourage the transfer of the older files to the National Archives in compliance with current or new record transfer schedules which would provide genealogists with easier access to the older records. The Records Preservation and Access Coalition (RPAC) is sponsored by the National Genealogical Society and the International Association of Jewish Genealogical Societies and supported by the Association of Professional Genealogists (APG), the Board for Certification of Genealogists (BCG), the International Commission for the Accreditation of Professional Genealogists (ICAPGen) and the American Society of Genealogists (ASG). The genealogical societies and professional organizations listed above represent several thousand local, state, and regional societies, with more than 400,000 members researching family history, and over 2,000 professional and forensic genealogists. Professional and board-certified genealogists perform important work which includes tracking relatives with possible inheritable diseases; working with coroners to identify unclaimed persons; finding next of kin of unclaimed persons for repatriation of military remains; conducting heir research; proving Native American tribal membership; assisting in adoption cases; investigating land disputes; and researching oil and gas leases. Thank you for providing an opportunity for one of your larger user groups to provide a response.</p>	<p>Registry files are not digitized. We also have many C files that are not digitized. Many records must be requested from Nara's Federal Records Center with accession information.</p> <p>USCIS is currently in the process of preparing files, whose subject is 100 years or more, to be transferred to NARA ownership. This does take time, but the process is moving forward.</p> <p>5 U.S.C. SECT. 552 (b)(6) requires us to withhold third party personal identifiable information if we do not have consent from the subject or proof of death for each person in the file or we can see that they have reached the 100-year threshold for their date of birth. The proof of death for secondary family members must be submitted at the time of the record request and cannot be provided after the case has been closed. Proof of death can be a variety of things including an obituary, photo of the headstone or even a funeral program</p>
Comment 3.	<p>Commenter: Rich Venezia, Rich Roots Genealogy Date: January 31, 2022</p>	
	<p>I write to you as a professional genealogist, old records advocate, and 20th-century immigration researcher. I lecture frequently about the records held by the USCIS FOIA and Genealogy Programs and order these records on behalf of clients on a weekly, if not more frequent, basis. I am also the founder of the Records Not Revenue campaign, started in opposition to the proposed 2019 USCIS fee hikes (84 FR 62280), a campaign which garnered both Congressional attention and international</p>	<p>Response: USCIS proposed no changes to the current form, instructions, program or fees through this notice and request for comments. The fees proposed in 2019 and codified in 2020 are not being charged and DHS expects to publish proposed fees for public comment in late 2022. We will consider the comments received on that rule in developing the final rule and fees. The</p>

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	<p>press. My comments below are in relation to the “Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Genealogy Index Search Request and Genealogy Records Request” on the <i>Federal Register</i>, OMB Control Number 1615-0096 and Docket ID USCIS-2006-0013.</p> <p>I would also refer you to my lengthy response to the 2019 proposed rule (84 FR 62280) to raise fees across various USCIS forms (https://www.regulations.gov/comment/USCIS-2019-0010-9888) and to my response to the request for public input in May 2021 (USCIS-2021-0004) (https://www.regulations.gov/comment/USCIS-2021-0004-7146). While those comment periods requested slightly different input, they are very relevant to this current request for input in that they clarify my thoughts on the function and utility of the Genealogy Program. I will also add that, while hundreds or even thousands of comments have been submitted via the <i>Federal Register</i> since 2019 specifically in regards to the Genealogy Program, USCIS remains silent and opaque in regards to their old records, except when it comes to the need to extend the forms related to this current call for comments.</p> <p>On its face, I approve of the proposed extension of this collection of information, as it is currently the only way to access most of USCIS’ historical record series – C-Files, A-Files numbered below 8 million, Visa Files, Registry Files, and Alien Registration Forms. However, USCIS suggesting that these forms “provide a timelier response to requests” and “provide rapid identification of such requests and ensures expeditious handling” is simply false. The current wait time for a record request from the Genealogy Program is an average of 185 business days – over nine months. The current wait time for a Track Two A-File request via FOIA is 34 business days – one-and-a-half months. The egregious discrepancy between the two, especially when considering that many records requested through the Genealogy Program are already digitized in MiDAS, is just staggering.</p> <p>Provided that USCIS does continue these forms, as this comment period suggests they wish to, I suggest the agency allow for requestors to upload proofs of death for <i>all</i> record requests via Form G-1041A, and not just for subjects born less than 100 years ago. USCIS is ruthless in</p>	<p>USCIS Genealogy Program abides by applicable privacy laws regarding the release of third-party information in immigrant files. The Genealogy Program encourages requesters to provide consent or evidence of death for third parties to ensure maximum access to the historical records requested. When privacy concerns arise, without such consent or evidence of death, as a matter of customer service, the records are re-directed to the FOIA Program for evaluation and application of exemptions as appropriate</p> <p>The Genealogy Program encourages requesters to provide consent or evidence of death for third parties to ensure maximum access to the historical records requested. When privacy concerns arise, without such consent or evidence of death, as a matter of customer service, the records are re-directed to the FOIA Program for evaluation and application of exemptions as appropriate</p> <p>Although we do have many records that are digitized and located in MiDAS, it doesn’t cover all types of records, A files, Visa and Registry files are not digitized. We also have many C files that are not digitized. Many records must be requested from NARAs Federal Records Center.</p> <p>USCIS is currently in the process of preparing files, whose subject is 100 years or more, to be transferred to NARA ownership. This does take time, but the process is moving forward.</p> <p>We only have a majority of C files and all AR-2’s digitized in MiDAS. Not all C files are digitized nor are A files, Visa and Registry files. These files must be requested from their current FRC at its retired accession.</p> <p>The USCIS Genealogy Program does not currently require an exact date of birth or</p>

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	<p>its redactions and application of (b)(6) exemptions, and any mere mention of a spouse or child or other relative who <i>may</i> have been born less than 100 years ago is redacted prior to the release of the record. This can be overcome with the submission of proofs of death of those individuals, but these currently must be emailed to the Genealogy Program after the case is created. In many cases, for one reason or another, the proofs of death emailed to the Genealogy Program never make it into the case notes, and the files are redacted anyway prior to their release. In several cases, I have had to re-request files three or four times for them to be issued without redactions – creating frustration for me as the customer and more work for the Genealogy Program, who is already egregiously behind. Currently, the request form auto-populates a section with the ability to upload up to 5 proofs of death but only when the immigrant’s date of birth entered is less than 100 years ago. When inputting an estimated date of birth, text on screen even suggests “You may also wish to provide the proof of death of the immigrant’s sibling(s), spouse(s), and child(ren).” It is a known quantity that these proofs of death will help prevent redactions, but yet the agency does not provide an option to upload them for all requests. It is imperative that the agency address this issue in their information collection so requestors who are paying good money for records can receive as much information as possible.</p> <p>The form should also not require an exact date of birth when a requestor is inputting an estimated date of birth. It might be that the known estimated date of birth is January 1915, but yet the form will not accept a request that does not input a specific date (i.e., January 10, 1915). If the searchers then use that estimated birthdate as an exact birthdate to search, it may lead to inaccurate or incomplete results.</p> <p>Additionally, though the Genealogy Program’s website suggests there are paper forms that can be printed and mailed for G-1041 and G-1041A, that is currently nowhere to be found. If an individual does not have access to a private computer, and/or prefers to submit a form in the mail, there should be the option for them to do so. This should also be remedied.</p> <p>The very existence of the Genealogy Program itself has been lately called into question due to nearly all of its</p>	<p>country of birth, but may conduct a search with only approximate information. The Program will conduct a search for dates near the dates provided, but it must have an estimate to be able to identify the appropriate individual by verifying against other known information.</p> <p>5 U.S.C. SECT. 552 (b)(6) requires us to withhold third party personal identifiable information if we do not have consent from the subject or proof of death for each person in the file or we can see that they have reached the 100-year threshold for their date of birth. The proof of death for secondary family members must be submitted at the time of the record request and cannot be provided after the case has been closed. Proof of death can be a variety of things including an obituary, photo of the headstone or even a funeral program</p> <p>We are working on adding the option of uploading additional documents to the online requests to make it easier on the requester.</p>

Comment #	Public Comments	USCIS Response
	<p>requests being funneled through the FOIA Program prior to release, even though FOIA requests should be handled differently and incur no charge. Please see Reclaim the Records and <i>Alec Ferretti v. United States Citizenship and Immigration Services</i>, case number 1:2021cv06397, filed in the Southern District of New York. If the agency insists on the continuation of these forms, and thus the continuation of the Program, it should also address these concerns.</p> <p>As I have previously noted in a comment to USCIS, this agency consistently shows that it does not care about its historical records and yet it refuses to give up these records. (Read: USCIS is specifically asking for comments to extend the use of the forms through which continues the existence Genealogy Program.) If these records are such a burden to USCIS to process and make available, why not transfer these records to the National Archives – an agency dedicated to preserving and providing access to historical records? And if USCIS continues to maintain their records instead of transferring them to the National Archives, as the continuation of this form does for several more years, the agency should explain what prevents them from doing so and why they believe that the USCIS Genealogy Program, instead of the National Archives, is the right place for the safekeeping of their historical records.</p> <p>Thousands of other genealogists and family historians and I anxiously await your reply.</p>	
Comment 4.	<p>Commenter: Alec Ferretti Date: February 1, 2022</p>	
	<p>The G-1041A form is part of the USCIS Genealogy Program, which according to the agency, “is necessary to provide a timelier response to requests for genealogical and historical records.” Specifically, this form “provides a convenient means for persons to identify a particular record desired under the Genealogy Program. The forms provide rapid identification of such requests and ensures expeditious handling.” This is flatly untrue. The form, at least in its current iteration, is problematic, because it compels FOIA requestors to unlawfully pay a fee for certain types of agency records which are subject to the Freedom of Information Act, and the fee structure described therein, without providing any of the benefits the agency pretends exist. Despite USCIS’ claims, the processing time for records under the Genealogy Program</p>	<p>Response: The G-1041A is the form designated for the request for historical records under the Genealogy Program. USCIS is proposing no changes to the program.</p> <p>The commenter notes that Form G-639, which is used for the submission of FOIA requests, should be utilized instead of the Form G-1041A. The G-1041A is the form designated for the request for historical records under the Genealogy Program. Form G-1041A is designed to collect information for which the Agency has determined assists in researching and locating historical</p>

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	<p>is actually less expeditious than those under FOIA. Requests made via the G-1041A cost \$65, and take approximately one year to fulfill, while under FOIA, requests must be processed within 20 business days, and generally, no fee may be assessed, so long as the request is small enough, which nearly all requests under the G-1041A would be. As per <i>Nightingale et al. v. USCIS et al</i>, the agency was specifically ordered by the Northern District Court of California to produce A-Files pursuant to FOIA requests within 20 business days. In fact, the agency has done a decent job of sticking to this timeline: FOIA requests for most A-Files are fulfilled within a month or so. However, one of the types of records that USCIS refuses to process via FOIA, and will only process via the G-1041A is A-Files numbered up to 8 million. While these are A-Files as much as any other A-File is, the agency repeatedly violates this court order by not only refusing to process the requests via FOIA, but then by forcing requestors to pay a \$65 for the document, and making them wait up to a year for the copy. The form should not require fees to ever be paid, but in the case of these A-Files, the agency is specifically violating a court order by doing so.</p> <p>The call for public comment asks for the public to weigh in on if "the proposed collection of information is necessary for the proper performance of the functions of the agency." This information is not necessary, nor is the form necessary. The agency is already compelled to process these records requests via FOIA, and the form that exists for that purpose, the G-639. The existence of the G-1041A is purely a cash grab to extort money from the public. If the agency wanted to create a pipeline whereby the public could pay a fee to expedite processing of requests, this is not inherently unlawful, so long as the public also has the option of requesting the same records via FOIA. However, the agency does not make it clear on the form that the records are subject to FOIA, nor do they admit this at all unless prompted by a US Attorney. Please see <i>Reclaim the Records and Alec Ferretti v. United States Citizenship and Immigration Services</i>, case number 1:2021cv06397, filed in the Southern District of New York. The G-1041A is inherently problematic, as the agency has swindled requesters out of millions of dollars that they should not have been required to pay.</p>	<p>records. Locating obscure historical records often requires multiple methods of research and the additional information sought on the Form G-1041A assists the researcher in locating the historical record sought.</p> <p>The Genealogy Program encourages requesters to provide evidence of death for third parties to ensure maximum access to the historical records requested. When privacy concerns arise, without such evidence of death, as a matter of customer service, the records are re-directed to the FOIA Program for evaluation and application of exemptions as appropriate.</p>
Comment 5.	<p>Commenter: Jennifer Mendelsohn Date: February 1, 2022</p>	

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	<p>I am a professional genealogist based in Baltimore.</p> <p>One concern about the Genealogy Program index search request form is the ability to note any discrepancy in country name -- for many of the cases I work on, borders were fluid and the country the immigrant was born in was not what it was called when he or she naturalized and/or filed an AR-2, etc. There should be a way to note that in case the "country of birth" doesn't match what's in the records.</p> <p>Also, many of the immigrants I am requesting info on have no exact known date of birth. There should be a way to just put in an estimated year.</p> <p>Thanks for this opportunity.</p>	<p>Response: Exact dates of birth are not required nor is exact date of entry. We look at the dates as approximate as not all requesters have the correct dates to provide and we compare all information provided to identify the correct individual.</p> <p>In addition, there is a comments section on the online Form G-1041 and 1041A, that the requester can add as much “other” information as they would like regarding the subject of the request.</p>
Comment 6.	<p>Commenter: Kelly Barbano-Bodami Date: February 1, 2022</p>	
	<p>I write as a professional genealogist one who specializes in Italian Genealogy, particularly among the late-19th and 20th century Italian diaspora. Most of my clients are seeking dual citizenship with Italy, and such, are required to furnish proof of naturalization, alien registration, or non-naturalization. I frequently order records from USCIS when I cannot obtain immigration and naturalization records from quicker sources, such as local courts or the National Archives. In its current form, the USCIS Genealogy Program is nothing more than an absolute failure. Given the remarkably long wait time to fulfill requests made via these forms, the use of these forms should be discontinued or changed to be more effective. All changes made should be aimed with eliminating the wait times. The claim that these forms provide a timely response to requests is a blatant lie. The genealogy program office claimed in June 2021 that new staff had been hired and was in the process of being trained, but since that time, the response to record requests has actually increased instead of decreased. For an example, just today I received records that were ordered on 6 April 2021 and 13 April 202 – a shocking 204 and 199 business day response time, respectively.</p> <p>With Form G-1041, or the Genealogy Index Search Request, I’ve seen numerous instances of results that are either a false negative or a false positive. In the case of the false negatives, results are returned with no responsive records found when the record was located through local</p>	<p>Response: We strive to provide as complete a record as possible to meet the needs and desires of the request as quickly as we possibly can based on the information provided in the Forms 1040 and 1041-A. Many times there are negative results because of insufficient information to determine if the subject was the correct individual, or the subject didn’t naturalize and we do not have a C file for them etc. USCIS is still awaiting many files from our storage facility, NARA (Federal Records Center) which has been closed mostly since March 2020. The Genealogy Program continues to have a surge in requests. While USCIS has hired new genealogy staff those employees were hired to replace those who had left. Finally, not all files were transferred to USCIS from the courts. If the courts only had a petition and declaration of intent, there will not be a C file and the documents were sent to NARA.</p> <p>We are working on adding the option of uploading additional documents to the online requests to make it easier on the requester.</p>

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	<p>court records. In these situations, the information on the records found locally matched exactly with the information provided initially for the search. For the false positives, index search results have returned responsive records, but the record is for a naturalization that occurred after the search subject died; lived in a completely different area of the country; or had a date of birth that was more than 10 years different from the search subject. Why bother asking for any of the information on the G-1041 if key parts such as date of death or geographic region is to be ignored? In these cases, the requestor simply has no recourse for the faulty search returns – essentially \$65 is wasted. The Genealogy Program will not redo the search, which is understandable in situations where no records are found, but absolutely egregious when a responsive record is found that doesn't match the search parameters on the form.</p> <p>Form G-1041A is more of a frustrating form me for to use, particularly as it pertains to preventing redactions. Most of the files that I order are for those immigrants who were born more than 100 years ago, so I am never given the option to upload proof of death for anyone who may be mentioned in the file despite the instructions encouraging the submission of those death records. I believe that the option to upload the death records at the time of ordering could eliminate frustrating situations in which the information about the immigrant's child is redacted – information that is needed in the case of dual citizenship. By not having the option to upload at the time of submission, it further delays an already long wait time to obtain the needed records.</p> <p>If the forms are kept as they stand now, the pdf versions of the actual forms should be placed in an easy to locate section on the Genealogy Program portion of the USCIS website. Right now, the only way to access the forms is through the Forms section of the main USCIS website. This is a barrier to access that needs to be eliminated. Not everyone has a private computer or credit card in which to order records, and they should have the same level of access.</p>	
Comment 7.	<p>Commenter: Linda Okazaki Date: February 1, 2022</p>	
	<p>Thank you for the opportunity to make comments regarding the Genealogy Program forms G-1041 and G-1041A. There are two issues which make the process of</p>	<p>Response: Requesters may submit additional evidence of death via e-mail to the Genealogy mailbox at</p>

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	<p>ordering records cumbersome. First, I cannot see how to upload proofs of death for additional family members when someone was born more than 100 years ago. Second, it is confusing to have to put in a specific date of birth when that date is estimated.</p> <p>The materials in the genealogy program are vital to my work as a genealogist. It would make sense to have the forms be more flexible and easier to use, especially for those of us who rely on obtaining these documents for our clients.</p>	<p>genealogy.uscis@uscis.dhs.gov. <u>The requester should ensure that the assign case number is provided.</u> This will ensure maximum access to the historical records requested.</p> <p>We are working on adding the option of uploading additional documents to the online requests to make it easier on the requester.</p>
Comment 8.	<p>Commenter: Margaret Fortier Date: February 1, 2022</p>	
	<p>The USCIS Index Search Request form requires an immigrant's exact date of birth. This information is not always available. An option for a date range should be allowed. The same flexibility should be allowed for the immigrant's date of arrival. Many people may know an approximate timeframe. This would be more precise than <1906; 1906-1924; 1924-1940; after 1940. A question could be added on marital status.</p>	<p>Response: We do not require an exact date of birth or date of entry. We need an approximate date of entry as well as DOB. The more accurate the information provided, the more accurate our results will be.</p>