

*Responses to 60-Day FRN Public Comments*

G-639 Revision  
86 FR 74097  
12/29/21-2/28/22

Comment #	Public Comments	USCIS Response
Comment 1.	<p><b>Commenter:</b> <b>USCIS-2008-0028-0078</b> <b>Alex Calzareth</b></p>	
	<p>The G-639 form and the online USCIS FOIA portal have been clearly designed under the assumption that the requestor will either be the subject of the file or a representative working with that person (attorney or family member).</p> <p>For the paper form, the indication that the subject of the request is deceased should be moved to Part 2, requestor information, as it was on earlier versions of form G-639. If the subject is deceased, the requestor should be directed to skip the "representative role to the subject of record" as that cannot apply. If this adjustment is not made, at a minimum, the "on behalf of" in 3.b should be removed so that it says " I am requesting information on someone who is deceased." Someone can request on behalf of the survivors, an estate, etc., but not literally on behalf of the deceased person.</p> <p>The online form carries over these issues. The easiest way would be to either add another option to "request records about someone who is deceased" on the first screen in addition to the "For Myself" and "On Behalf of Someone Else" options. If that is not done, then requestors should have the screens under "On Behalf of Someone Else" customized to properly reflect the situation that the Subject of Record is deceased.</p>	<p>The proposed Form G-639 contains an option for third-party requestors to request information from another person’s immigration record.</p> <p>Part 1, question 1 asks requestors to indicate the type of request they are making. Requestors seeking information about deceased persons may select “B. Information from another person’s immigration record;”.</p> <p>Requestors who select option B are asked to complete “Part 4. Third-Party Requestor, along with other pertinent sections of this form.”.</p> <p>Part 4, question 3, asks “What is the relationship of the subject of record to the third-party requestor?”. The requestor may select “[ ] B. I am requesting information about someone who is deceased;”.</p> <p>The proposed Form G-639 also changes “on behalf of” to “about” in relevant sections, including those regarding deceased persons.</p> <p>Part of USCIS ’process in updating Form G-639 is to mirror the changes in our online FOIA service, FIRST. On the first screen of FIRST, third-party requestors will be able to select “About Someone Else” to submit a FOIA request about deceased persons.</p>

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	<p>In Step 1 "I am requesting information on behalf of someone who is deceased" should be moved up to be visible as one of the choices alongside attorney, accredited representative and family member. Anyone can request information on deceased individuals, not just "family members."</p>	<p>USCIS will update our online FOIA service, FIRST, based on the comment.</p> <p>The online FOIA service FIRST screen shots that USCIS included for the 60-day public comment period inadvertently did not include the proposed changes for this Step 1 screen. USCIS has made the changes suggested by the commentor so FIRST and these changes mirror the proposed G-639 form changes.</p>
	<p>In Step 3 of 5, the language shifts to "What is your father's name" and "what is your mother's name." This is confusing and inconsistent with the previous screens. This should say "What is the father's name of the Subject of Record" etc..</p>	<p>Thank you for your comment. The proposed G-639 and Online FOIA service FIRST screen shots have been updated with this information.</p>
	<p>After clicking next from the first screen of Step 3: In a situation where the requestor has already indicated that the subject of the record is deceased, there should not be a section asking for contact information for that person. Step 3 in that situation, should</p> <ol style="list-style-type: none"> <li>1) have a checkbox for requestor to indicate that the Subject of Record is dead and born more than 100 years ago (in which case USCIS policy does not require separate proof of death)</li> <li>2) have language directing the requestor to otherwise upload proof of death for the Subject of Record.</li> </ol> <p>Additionally, it would be beneficial to advise requestors to optionally include proof of death for close family members that are deceased and the requestor expects may be mentioned within the file</p>	<p>Thank you for your comment. The proposed Online FOIA service FIRST screen shots have been updated with this information.</p> <p>For example, when a user selects "I am requesting information about someone who is deceased", we will not ask them to provide the subject of record's contact information on page nine of these example screens.</p> <p>USCIS will not be making additional changes as a result of this comment.</p>

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	<p>The current layout of the online form is confusing for people who request the records of deceased individuals, which increase the burden of completing the form. Requestors have to guess how to complete the form and where to supply proof of death instead of having this clearly spelled out. Greater consideration of these types of requestors will reduce the burden of both the requestors and of the USCIS personnel processing these forms.</p>	
<p><b>Comment 2.</b></p>	<p><b>Commenter:</b> <b>USCIS-2008-0028-0077</b> <b>Alec Ferretti</b></p>	
	<p>The G-639, and its online iteration in the FIRST system adequately allows most individuals to request documents from the agency, however, the form is very rigid, and does not account for many circumstances that arise. For example, FIRST has no clear option to allow for third parties to request records of deceased individuals. Requesters must first claim to be requesting for a deceased “family member” and then, they must attach proof of death in the box where it asked for a “notarized authorization.” This confusion leads to problems of the agency side as well, because requests of this nature are frequently rejected, because the contractors processing them do not realize that the fact that the subject of record is deceased allows the documents to be released.</p>	<p>USCIS has made the changes suggested by the commentor and these changes mirror the proposed G-639 form changes.</p> <p>These adjustments, along with additional minor text adjustments to subsequent screens, should clarify the experience of requesting records about a deceased person.</p> <p>Part 4, question 3 of the proposed Form G-639 asks, “What is the relationship of the subject of record to the third-party requestor?”</p> <p>And offers as possible answers:</p> <p><input type="checkbox"/> A. I am an attorney or accredited representative, acting on behalf of the subject of record</p> <p><input type="checkbox"/> B. I am requesting information about someone who is deceased;</p> <p><input type="checkbox"/> C. I am requesting information on behalf of my child or a minor for whom I am a legal guardian</p> <p><input type="checkbox"/> D. Other (Explain): [Fillable field]”</p>

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