

Form I-829-016 Revision Responses to 60-day FRN Public Comments

Public Comments (regulations.gov): [USCIS-2006-0009](#)

30-day FRN Citation (federalregister.gov): [87 FR 79345](#)

Publish Dates: December 27, 2022 – February 27, 2023

Comment #	Commenter ID	Comment	USCIS Response
1.		Commenter: American Immigration Lawyers Association	
	0075 (see attachment)	The American Immigration Lawyers Association (“AILA”) respectfully submits the attached comments to the Department of Homeland Security (“DHS”) and U.S. Citizenship and Immigration Services (“USCIS”) Agency Information Collection Activity: Revision of a Currently Approved Collection: Form I-829, Petition by Investor to Remove Conditions on Permanent Resident Status, (USCIS OMB Control No. 1615-0045; Docket ID USCIS-2006-0009) published in the Federal Register on December 27, 2022.	Response: The revisions proposed through this action were limited to updating the Certification section and minor grammar changes. USCIS may consider these recommendations in a separate comprehensive revision action of the I-829 form and instructions.
2.		Commenter: American Immigration Lawyers Association	
	0075 (see attachment)	<p>Form I-829 Instructions: Page 1 General Instructions/Heading “Effect of Filing”</p> <p>USCIS alert dated January 23, 2023, titled: USCIS Extends Green Card Validity for Conditional Permanent Residents with Pending Form I-751 or Form I-829, states starting January 23, 2023, USCIS is extending the time receipt notices can be used to show evidence of status from 24 to 48 months for petitioners who properly file Form I-829. This alert contradicts the now proposed instruction of a timely filed Form I-829 granting an 18-month extension. This language should be modified to incorporate the most recent guidance. While this is generally a positive change, with current USCIS Form I-829 processing times of 61 months, combined with the continuing difficulty, when</p>	<p>Response: USCIS updated the I-829 Instructions, page 1 of 14, under the Effect of Filing sub header, to direct the petitioner to find the length of the extension period for conditional permanent resident status on the filing receipt.</p> <p>USCIS may consider the remaining recommendations in a separate comprehensive revision action of the I-829 form and instructions. The revisions proposed through this action were limited to updating the Certification section and minor grammar changes.</p>

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		<p>required, in scheduling field office appointments for I-551 renewal stamps, or DMV appointments for driver’s license extensions, it must be noted that neither 18 nor 48 months are sufficient automatic renewal periods.</p> <p>Moreover, USCIS should update guidance regarding the use of the Form I-829 Petition receipt notices. Currently, to use the 48-month receipt notice as proposed by USCIS, the investor or dependent must still be in possession of the expired conditional permanent resident card (Form I-551). The Form I-829 receipt notice itself is not a Form I-551, and on its own, cannot be used for international travel or for purposes of employment verification on Form I-9. In many instances, USCIS previously collected expired conditional permanent resident cards from investors and their dependents in connection with the issuance of an I-551 stamp. USCIS should provide clear guidance in its Policy Manual that investors and their dependents who have previously surrendered the conditional permanent resident card (Form I-551) are eligible to use the 48-month receipt notice extension of their status, regardless of whether they possess a Form I-551.</p> <p>Finally, while the language of the RIA seems to mandate much faster processing times, and Chief Emmel initiated a robust Form I-829 scanning and general hiring initiative, the proposed form instructions are not congruent with the reality of IPO production. As of September 30, 2022,</p>	
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		IPO had 11,150 pending Form I-829's and had completed 459 I-829 adjudications over the previous quarter with a published processing time of 61.5 months. This section of the instructions must be modified to accurately state that lawful permanent residence will be extended for the period of time listed on the receipt notice and to note that the receipt notice may be used with either a Form I-551 or a previously issued Form I-551 stamp.	
3.		Commenter: jamarío hawkins	
	0076	blessed by best	Response: This comment is out of scope for the intended information collection.