

Form I-191-012 Revision Responses to 60-day FRN Public Comments

Public Comments (regulations.gov): [USCIS-2006-0070](#)

30-day FRN Citation (federalregister.gov): [88 FR 1087](#)

Publish Dates: January 6, 2023 – March 7, 2023

Comment #	Commenter ID	Comment	USCIS Response
1.		Commenter: jean publieee	
	0058	there shoudl be no relief for any foreigner. they should be found illegal if they committed an illegal act of entering this country without proper adherence to americanlaws. there is no reason to allow lawbreakers like the filthy biden is dong in ignoring laws that are on our books on immigation and how you may enter the country legally. we have so many illegals here now we shoudl have a moritorium to keep all foreigners out of this counytry. we are being overrrun with the world population because they get freebies whent hey get here. american taxpaeeyrrs are being bankrupted by the costs of these lawbfreaking invaders coming here and gettnig free food, free rent, free medical care and frees school, all of which we pay throught he hose for, what the hell is ghoing on here where a country penbalizes its own citizens for foreign freeloaders. get them all out. eveyr single onew of them that invaded this counyry. get them out on their bcksides. throw thgem out.,there is no reason to make any amendments of any kind.	Response: This comment is out of scope for the proposed revision.
2.		Commenter: Hikmat Agha Sadat	
	0059	pleas help with me thanks for you	Response: This comment is out of scope for the proposed revision.
3.		Commenter: Neighborhood Defender Service of Harlem	
	0060 (see attachment)	See attached file(s)	Response: See Comment Responses below labeled with Commenter ID: 0060. The information in the attachment from the public comment (0060) was separated into different sections in this comment matrix to

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			address each portion of information individually. See Comment # 4. – 6.
4.		Commenter: Neighborhood Defender Service of Harlem	
	0060	<p>Form I-191, Part 9.:</p> <p>NDS Recommendation: First, the proposed revisions to Form I-191 Sections 9, 10, and 11 promote clarity that will reduce the burden on applicants and enhance accessibility for immigrants like NDS’s clients. First, the proposed revisions to Part 9 of Form I-191, “Contact Information, Certification, and Signature” and the corresponding instructions should be adopted because it minimizes the burden to applicants, by eliminating confusing language and promotes utility by focusing the requested information on the applicant, collecting only information that is both useful and necessarily for capturing the signature and contact information of the applicant or their guardian. The purpose of Part 9 is to collect the signature and person information of the application. However, current language confuses this simple purpose in that it uses complex language and references a preparer and interpreter, despite the fact that this information is collected in Parts 10 and 11 respectively. Removing this redundant, confusing information and streamlines the provision of information for the applicant, while ensuring relevant information is still collected.</p>	Response: Part 9. Applicant’s Contact Information, Certification, and Signature references the interpreter to provide the applicant the ability to certify that they understood the information contained in and submitted with their application and provided and authorized all responses, and that all responses and information are complete, true, and correct through the use of an interpreter in the language in which the applicant is fluent in. The person preparing the application, if other than the applicant, is not referenced in the applicant’s certification in Part 9.

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5.		Commenter: Neighborhood Defender Service of Harlem	
	0060	<p>Form I-191, Part 11.:</p> <p>NDS Recommendation: While the proposed revisions to Form I-191 are in large part beneficial to applicants like NDS’s client, the one proposed revision NDS opposes is the elimination, in Part 11, of the warning to attorneys who act as a preparer for an applicant. This warning instructs attorneys and accreditive representatives that a G-28 Notice of Appearance may be required. Failure to include this warning may result in the unnecessary denial of applications, creating an additional administrative burden for USCIS and unfairly prejudicing applicants.</p>	<p>Response:</p> <p>The note regarding the possible obligation to submit a G-28 in the preparer section was removed as duplicative because the applicability of a G-28 to be completed by an Attorney or Accredited Representative (if any) is notated on page 1 of 18.</p>
6.		Commenter: Neighborhood Defender Service of Harlem	
	0060	<p>NDS Recommendation: In addition to the proposed revisions, NDS calls on DHS to propose a new regulation that adopts the language of former Section 212(c) to provide relief for Lawful Permanent Residents convicted of a crime after April 1, 1997. Currently, Section 212(c) relief is limited to Lawful Permanent Residents who were convicted of or pled guilty to a crime before April 1, 1997. For those who qualify, this is an effective avenue of relief. For example, many of our clients are decades-long Lawful Permanent Residents, parents and grandparents of U.S. citizens, who have only a single drug conviction from the 1990’s, sometimes only due to being at the wrong place at the wrong time near the site of a drug sweep; whether they even have the <i>chance</i> to apply for relief from removal often depends on the</p>	<p>Response: USCIS cannot expand the opportunity for section 212(c) relief through this form revision.</p>

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		<p>arbitrary factor of whether the conviction was prior to April 1, 1997. The effectiveness of this relief is supported by data. In 1989 to 1995, about 51.5% applicants were approved, resulting in over 10,000 instances of relief granted. In 2004 to 2008, approximately 7,000 applications for 212(c) relief were granted. In that time frame, 212(c) relief held about one third of the relief from removal granted to Lawful Permanent Residents, other than grants of asylum. Reopening this avenue of relief through new regulation could make a significant difference for longtime Lawful Permanent Residents facing removal.</p> <p>Expanding the opportunity for relief under Section 212(c) is particularly crucial as criminal and immigration enforcement become every more intertwined. Coinciding with the repeal of Section 212(c), more grounds for removability were applied against people convicted of criminal offenses. These changes in the law were a response to growing national resentment toward noncitizens and a “tough on crime” approach which has proved largely ineffective. As a result, more people than ever are swept into the criminal justice system, and more noncitizens than ever face separation from their homes, families and communities as a result of these often symbiotic systems. Under these circumstances, the opportunity for relief under an expanded 212(c) is ever more pressing.</p>	
<p>7.</p>		<p>Commenter: The Legal Aid Society</p>	
	<p>0063 (see attachment)</p>	<p>See attached file(s)</p>	<p>Response: See Comment Responses below labeled with Commenter ID: 0063. The information in the</p>

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			<p>attachment from the public comment (0063) was separated into different sections in this comment matrix to address each portion of information individually.</p> <p>See Comment # 8. – 14.</p>
8.		Commenter: The Legal Aid Society	
	0063	<p>Over the last two decades, the Form I-191 has grown from a simple, one-page application to the lengthy current version, which extends eighteen pages.¹ The questions are increasingly complex, and they call for detailed factual responses as well as legal analysis and judgment. USCIS estimates that completing the Form I-191 will take, on average, an hour and twenty-three minutes to complete. See Proposed Instructions at 13 (estimating burden on applicants under the Paperwork Reduction Act). Based on the experience of LAS attorneys, the form will require much more time. For example, USCIS estimates that the reporting burden for the current form is one hour and forty-five minutes, but in our experience, it is not atypical for an attorney to spend 10 to 30 hours completing this form and collecting all of the requested documentation. The burden on applicants is particularly taxing because this form is most typically prepared under short 30 or 60-day deadlines imposed by immigration courts. The proposed changes are welcome, but they reduce the burden on applicants only at the margins.</p> <p>In light of LAS’s serious concerns about the burdens placed on applicants by this form, we have identified certain</p>	<p>Response: USCIS appreciates the commenter’s concern regarding the burden estimates. USCIS acknowledges that it may take some respondents more or less time to complete the Form I-191 than the current reports estimate. However, USCIS makes some basic assumptions about how respondents are likely to interact with this information collection and only analyzes burden based on the applicant’s completion of the information collection. USCIS assumes that if the form contains simple requests for information, such as name, biographic information, address, then the applicant may not read the instructions in its entirety. Additionally, the time burden analysis is an estimation that may not capture every applicant’s experience when completing this form and collecting evidence, as it may take some respondents less or more time based on the amount of information required to enter into the form applicable to the applicant.</p> <p>In regards to documentation collection for evidence, USCIS makes a basic assumption that this documentation is available to the applicant. The timeline in which it takes other entities to provide the documentation is not accounted for in the USCIS’s time burden due to the</p>

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		issues and recommendations for the form and instructions. Additional changes in the instructions may be needed in order to ensure consistent implementation of the recommendations.	varying degrees of time it may take for an entity to provide requested evidence to the applicant or attorney(s).
9.		Commenter: The Legal Aid Society	
	0063	<p>Recommendations Regarding the Instructions:</p> <p>The instructions do not specify what type of signature would be accepted with the interpreter certification. This is an issue for applicants who may use telephonic or virtual language interpretation.</p>	<p>Response: The updated certification language is consistent among all USCIS forms and instructions and the signature requirements were not detailed in the updated language for the interpreter certification section.</p> <p>The specific information regarding the type of signature that would be accepted with the interpreter section was not included due to the signature requirements already being included under the General Instructions section (see Signature and Validity of Signatures sections). It would be duplicative to include this information in the interpreter certification section.</p>
10.		Commenter: The Legal Aid Society	
	0063	<p>Recommendations Regarding the Instructions:</p> <p>On page 10, under “What Is the Filing Fee,” the instructions note twice, in quick succession, that the filing fee and biometric services fee are not refundable. One of those mentions can be removed from the instructions.</p>	<p>Response: This edit has been made to remove the duplicative information.</p>
11.		Commenter: The Legal Aid Society	
	0063	<p>Recommendations Regarding the Instructions:</p> <p>We recommend that USCIS elaborate on Point 1 of “How to Check if the Fees Are Correct.”</p>	<p>Response: USCIS fees can change periodically, and the instructions account for that possibility. USCIS notes that it has recently published a notice of proposed rulemaking that, once implemented, would impact changes in fees.</p>

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		The current instructions do not easily lead to clear and obvious information about the latest cost of this specific form. This lack of clarity could create unnecessary costs for applicants and complicate the filing process for both applicants and the adjudicating agency.	
12.		Commenter: The Legal Aid Society	
	0063	<p>Recommendations Regarding Part 6. Information About Your Family and its Instructions:</p> <ul style="list-style-type: none"> • The instructions for this section of the form should indicate whether applicants are expected to include information about deceased family members. If that is required, the instructions should specify how to indicate if the family member is deceased. • To be inclusive of nonbinary individuals, Item Numbers 1.-56 of the instructions should read, “Provide information about your spouse, all children, and your parents, including <i>their</i> current legal name, A-number, USCIS online account number, date of birth, country of birth, country of citizenship or nationality, and physical address...”, rather than using “his or her”. • “X” should be an option to check-off as a gender everywhere that gender specifications are requested on this form so that it may align with the laws of certain states of the United States. • The placement of the subheadings for “other information for” various 	<p>Responses:</p> <p>The revisions proposed through this action were limited to updating the certification section and minor grammar and formatting changes. USCIS may consider this recommendation in a separate comprehensive revision action of the I-191 instructions.</p> <p>This edit has been made in Part 6. Of the Instructions.</p> <p>At this time, we will not make this change. USCIS may consider this update in a separate comprehensive revision action of Form I-191.</p>

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		<p>family members in this section of the form is confusing. The information should be streamlined so that all the questions regarding the applicant’s spouse come under the sub-heading, “Information About Your Spouse.” The sub-sections for each child and each parent should be formatted the same way so that all the questions about Child 1 are under the sub-heading, “Information for Child 1,” which can be printed in pale grey similarly to how “other information for Child 1” currently appears All information for Child 1, including their legal name would then appear under the subheading etc.</p>	<p>The recommended formatting edits have been made in Part 6. of Form I-191.</p>
13.		Commenter: The Legal Aid Society	
	<p>0063</p>	<p>Recommendations for Part 3. Information About Your Criminal Convictions and Part 7. Other Grounds For Removal:</p> <ul style="list-style-type: none"> • The questions around the criminal convictions, grounds of removability, and discretion require legal analysis. The formatting and phrasing of this form may be prohibitively complicated to individuals completing this form pro se. This confusion may give rise to discrepancies and possible mischaracterizations that could be detrimental to the applicant. • We recommend the questions requiring listing criminal convictions in part 3 and part 7 be streamlined into a request for the applicant to attach a criminal history chart. This would allow for more clarity and ease for both the applicant (particularly pro se applicants) and the adjudicator. It would also shorten the length of the form and, often, the time necessary to complete it since applicants who are in removal proceedings often have to 	<p>Response: The revisions proposed through this action were limited to updating the certification section and minor grammar and formatting changes. USCIS may consider these recommendations in a separate comprehensive revision action of the I-191 form and instructions.</p>

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		<p>prepare a criminal Page 4 history chart. See Sample Criminal History Chart, Immigration Court Manual, Appendix O, www.justice.gov/eoir/office-chief-immigration-judge-1. We recommend adding a question where the applicant can affirm, “I am seeking a waiver of removability for any conviction that may render me removable.” This would also prevent accidental discrepancies and mischaracterizations for individuals completing this form pro se.</p> <ul style="list-style-type: none">• We also recommend narrowing the scope of the criminal contacts with law enforcement that this form requests the applicant to list in part 7 question 2. Listing and providing a full explanation of every arrest, citation, detainment, or investigation the applicant was involved in and requiring “an original official statement by the arresting or detaining agency or applicable court order confirming that no charges were filed” is unduly burdensome. The request for an original official statement regarding foreign criminal contacts may not be possible for certain applicants because of their relationship to the country where the contact took place. Applicants who fear returning to their home country may have good reason not to request such documents from their home country. Even individuals who do not have such a fear are likely to find this request very burdensome. Additionally, given the difficulty of establishing the reliability of foreign documents, it is unclear that these documents would be helpful to USCIS. This requirement can be burdensome even in U.S. jurisdictions, particularly where criminal records have been sealed, archived, or destroyed.	
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14.		Commenter: The Legal Aid Society	
	0063	<p>Recommendations for Part 8. Discretion:</p> <ul style="list-style-type: none"> • The instructions should specify that the applicant is welcome to include information about the lawful status of their spouse, children and parents. • The instructions should also include anon-exhaustive list of the types of evidence that would highlight the provided list of favorable factors in the applicant’s case. 	<p>Response: The revisions proposed through this action were limited to updating the certification section and minor grammar and formatting changes. USCIS may consider these recommendations in a separate comprehensive revision action of the I-191 form and instructions.</p>
15.		Commenter: Immigrant ARC	
	0061 (see attachment)	See attached file(s)	<p>Response: See Comment Response below labeled with Commenter ID: 0061. The information in the attachment from the public comment (0061) was separated into a different section in this comment matrix to address the information individually.</p> <p>See Comment # 16.</p>
16.		Commenter: Immigrant ARC	
	0061	<p>I-ARC Recommendation for form and instructions:</p> <p>We believe Part 11 should retain the warning to attorneys who act as a preparer for an applicant as it may result in unintended consequences of a denial of an application. The statements in Part 11 of the Instructions for Form I-191 that notifies an attorney acting as a preparer that they may need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, should remain. It is a simple and clear statement that does not place undue burden on the applicant, and supports the proper</p>	<p>Response: See Comment # 5. for response to this recommendation.</p>

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		performance of the function of the agency.	
17.		Commenter: Brooklyn Defender Services	
	0062 (see attachment)	Attached please find Brooklyn Defender Services' comment in response to the U.S. Citizenship and Immigrant Services' Agency Information Collection Activities relating to Form I-191, Application for Relief Under Former Section 212(c) of the Immigration and Nationality Act, published on January 4, 2023, OMB Control Number 1615-0016, USCIS Docket ID USCIS-2006-0070.	Response: See Comment Response below labeled with Commenter ID: 0062. The information in the attachment from the public comment (0062) was separated into a different section in the comment matrix to address the information individually. See Comment # 18.
18.		Commenter: Brooklyn Defender Services	
	0062	B. USCIS should propose new regulations or guidance incorporating former §212(c) in order to provide relief to lawful permanent residents with convictions after April 1, 1997. In addition to revising Form I-191, USCIS should propose new regulations or create new guidance that adopts the language of former section 212(c), which would create a much-needed opportunity for relief for noncitizens who were convicted of or pled to a crime after April 1, 1997.	Response: The revisions proposed through this action were limited to updating I-191 form and instructions, including the certification section and minor grammar and formatting changes. USCIS may consider suggestions not related to the form revision in the future through other actions.