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Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Policy and Strategy
Chief, Regulatory Coordination Division
20 Massachusetts Avenue, NW
Washington, DC 20529-2020

Submitted via: www.regulations.gov
e-Docket ID Number: USCIS-2009-0021

**Re: 60-Day Notice of Information Collection: Revision of a
Currently Approved Collection—Form I-817, Application
for Family Unity Benefits, OMB Control No. 1615-0005
77 Fed. Reg. 65703 (Oct. 30, 2012)**

Dear Regulatory Coordination Division Chief,

The American Immigration Lawyers Association (AILA) submits the following comments in response to the Department of Homeland Security's (DHS) Notice of Information Collection: Form I-817, Application for Family Unity Benefits, published in the Federal Register on October 30, 2012.

AILA is a voluntary bar association of more than 12,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. The organization has been in existence since 1946. Our mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, U.S. lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. We appreciate the opportunity to comment on the Notice of Information Collection and believe that our members' collective expertise provides experience that makes us particularly well-qualified to offer views on this matter.

Introduction

U.S. Citizenship and Immigration Services (USCIS) states that it is revising Form I-817 and the accompanying instructions in order to incorporate the two column format in the form and the full page format in the instructions to expedite application processing, and to incorporate standard language and clarify areas in the instructions.

Form I-817: Formatting and Numbering of Fields

The new two-column format for the I-817 utilizes a sequential number/letter system for each individual field, as follows:

1. Alien Registration Number (A-Number)
- 2.a. Family Name (Last Name)
- 2.b. Given Name (First Name)
- 2.c. Full Middle Name

With each “Part” of the form, the numbering restarts at 1. Problems may arise when applicants need to provide additional information pertaining to a question on an addendum. For example, while USCIS provides two separate text blocks with three fields each (3.a, 3.b, 3.c. and 4.a., 4.b., 4.c.) to provide “Other Names Used,” an applicant with more than two additional names could not continue the sequential numbering on an addendum (5.a., 5.b., 5.c., etc.) because field 5 is already used for Date of Birth under “Other Information.” To eliminate the potential for confusion each gray block within each Part should be given a lead number (i.e., “Person Requesting Family Unity Benefits” is 1, “Other Names Used” is 2, “Other Information” is 3, etc.) and a sub-letter should be assigned to each field underneath the numbered gray blocks (i.e., “Alien Registration Number (A-Number)” is 1.a., “Family Name (Last Name)” is 1.b., “Given Name (First Name)” is 1.c., “Full Middle Name” is 1.d., etc.). The sequential numbering would still restart at 1 with each new “Part.” This numbering method should be employed throughout the form.

Form I-817: Part 4—Additional Information

- **Page 8:** Includes a series of questions that relate to inadmissibility, many of which include technical terms with which an unrepresented applicant may not be familiar. USCIS should include basic descriptions of some of these terms in the instructions, such as “particularly serious crime,” and “serious nonpolitical crime.”
- **Question 33:** “Cinfinement” should be spelled “confinement.”
- **Question 34:** Last part of sentence should read: “or **violated your status?**”
- **Question 35:** Should read: “Convicted **of** a felony crime of violence that has **as** an element the use or attempted use of physical force against another individual or **physical force** may be used in the course of committing the offense?”

I-817 Form: Part 5—Signature of Applicant

- **Page 9:** The first sentence of the applicant’s attestation should be revised to read “I certify, under penalty of perjury under the laws of the United States of America, that **to the best of my knowledge and belief**, this application and the evidence (**the word “evidence” is written twice**) submitted with it is all true and correct.”

I-817 Instructions

Page 7: Section 2.b.(2) should read: “If you were born in wedlock and the alien eligible for adjustment under the LIFE Act is your natural father, submit a copy of your birth certificate showing your father’s name, your parents’ marriage certificate and proof of termination of any ~~of~~ prior marriages.”

Conclusion

We appreciate this opportunity to comment on Form I-817, Application for Family Unity Benefits and the accompanying instructions.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION