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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-2007-0018

**Re: 60-Day Notice of Information Collection: Revision of a
Currently Approved Collection—Form I-140, Immigrant
Petition for Alien Worker, OMB Control No. 1615-0015
77 Fed. Reg. 65706 (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-140, Immigrant Petition for Alien Worker, 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-140 and the accompanying instructions in order to add additional data fields related to passport and travel document information captured by CBP at the port-of-entry so that USCIS can search TECS and ADIS to verify status in the United States.

Form I-140 and Instructions: Part 3—Information about the Person for Whom you are Filing

The proposed I-140 continues to request the I-94 Arrival Departure Record Number on page 2, Part 3 while adding several additional fields. Question 14 is revised to read:

- a. I-94 Arrival-Departure Record Number
- b. Passport Number
- c. Travel Document Number
- d. Country of Issuance for Passport or Travel Document
- e. Expiration Date for Passport or Travel Document

“If Applicable” Language: The instructions state that the applicant should “complete all sections.” The phrase “if applicable” should be added to the form and the instructions where necessary to make it clear that not all responses in 14a – 14e will be applicable to every person.

Travel Document Number: The request for a Travel Document Number is new to the I-140. The term “Travel Document” should be defined in the proposed instructions.

Country of Issuance and Expiration Date of Passport or Travel Document: The instructions ask the petitioner to provide the country of issuance and expiration date for the passport or travel document used upon the person’s last admission into the United States. However, the I-140 asks for the country of issuance and expiration date for the passport or travel document without reference to the person’s last admission. The form and instructions should be consistent.

I-94 Number: The instructions indicate that the person may have received an I-94 upon admission and if CBP did not provide an I-94 card, a print-out of the Form I-94 may be obtained according to instructions provided by CBP. Until this process is tested and rolled out by CBP, USCIS should continue to utilize the current version of the form and instructions, to avoid unnecessary confusion about the process for obtaining a print-out.

Nonimmigrant Status: The I-140 refers to the applicant’s “Date of Arrival,” (Question 13), and “Date Status Expires,” (Question 16). However the instructions refer to the “Date of Admission” and “Date That the Authorized Stay Expired or Will Expire.” The instructions and the I-140 should use the same terms to avoid confusion.

Conclusion

We appreciate this opportunity to comment on Form I-140, Immigrant Petition for Alien Worker and the accompanying instructions.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION