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Via e-mail: [uscisfrcomment@uscis.dhs.gov](mailto:uscisfrcomment@uscis.dhs.gov)

**Re: USCIS 1615-0010: Agency Information Collection Activities: Nonimmigrant Petition Based on Blanket L Petition; Form I-129S; Revision of a Currently Approved Collection; eDocket ID# USCIS-2006-0050**

To Whom It May Concern:

The American Immigration Lawyers Association (AILA) submits the following comments in response to the notice of information collection, “*Agency Information Collection Activities: Nonimmigrant Petition Based on Blanket L Petition; Form I-129S; Revision of a Currently Approved Collection*” USCIS 1615-0010.<sup>1</sup>

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. 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, lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. AILA appreciates the opportunity to comment on this notice of information collection and believes that our members' collective expertise provides experience that makes us particularly well-qualified to offer views that will benefit the public and the government.

AILA appreciates the opportunity to comment on this information collection and offers the following remarks in an effort to make the Form I-129S and its accompanying instructions as clear as possible.

***Form I-129S, Nonimmigrant Petition Based on Blanket L Petition***

The tall, rectangular box on the right side of page one currently reads, “For USCIS Use Only;” however, this box is also used by the Department of State (State) and Customs and Border Protection (CBP). As such, the title should be edited to read, “For U.S. Government Use Only.”

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<sup>1</sup> 78 FR 18361 (3/26/13), *USCIS Notice of Proposed Changes to Form I-129S Blanket L Petition (Updated 3/27/13)*, AILA Doc. No. 13011441, <http://www.aila.org/content/default.aspx?docid=42822>

## ***Instructions for Form I-129S, Nonimmigrant Petition Based on Blanket L Petition***

1. AILA applauds USCIS for clarifying in the *What is the Filing Fee* section of the form instructions that the \$500 Fraud Prevention and Detection Fee only applies to cases for initial L-1 approval based on an approved blanket petition. AILA believes this change will decrease confusion and increase the number of petitions submitted with the appropriate fee.
2. In the *Where To File* section of the instructions for Form I-129S, AILA appreciates the new language regarding Canadian blanket applicants; however, upon further review, additional instructions should be included regarding obtaining a consular endorsed I-129S where a new visa is not needed but where the I-129S validity period has expired (e.g., a beneficiary with a five-year visa whose three-year I-129S may have expired). As such, AILA respectfully offers the following suggested language in blue.

### **Where to File?**

If the alien requires a visa, he or she should present the completed [I-129S](#) or previously approved petition at a U.S. Embassy or consulate abroad.

If the alien is not required to obtain a visa, the petitioner ~~should~~[may](#) file this petition at the USCIS service center that approved the blanket petition. [In order to obtain a consular endorsement of the classification and validity period of an I-129S, the beneficiary should file the I-129S at a U.S. Embassy or consulate abroad.](#)

Petitioners seeking L-1 classification for citizens of Canada under the North American Free Trade Agreement (NAFTA) may also have the beneficiary present Form I-129S to an officer of U.S. Customs and Border Protection (CBP) in conjunction with an application for admission. This may only be done at either:

- a. A "Class A" port of entry located on the U.S.-Canada land border; or
- b. A U.S. pre-clearance/pre-flight inspection station in Canada.

### **Conclusion**

AILA appreciates the opportunity to comment on this notice of information collection, and we look forward to a continuing dialogue with USCIS on issues concerning this important matter.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION