



August 11, 2022

Memorandum

TO: Phyllis Coven
CIS Ombudsman

FROM: Ur M. Jaddou UR M
Director JADDOU

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JADDOU
Date: 2022.08.12
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SUBJECT: **Response to Recommendations on Improving Form I-129 Notification Procedures**

I would like to thank you for your recommendations to U.S. Citizenship and Immigration Services (USCIS) regarding the current method of document and notification deliveries to beneficiaries of Form I-129. USCIS welcomes the opportunity to respond to your thoughtful recommendations.

Background:

On March 31, 2022, you sent me a formal recommendation titled, Recommendation to Remove a Barrier Pursuant to Executive Order 14012: Improving U.S. Citizenship and Immigration Services' Form I-129 Notification Procedures Recommendation Number 62.

Recommendations:

You made the following recommendations:

1. Mail the receipt notice and approval notices with the Form I-94, Arrival/Departure Record, attached to the beneficiary addresses collected on Forms I-129.
2. Allow the beneficiary to track case status online and eventually provide receipt and approval notices (with Form I-94) directly to the beneficiary's online account.
3. Develop a technological solution allowing beneficiaries to access the receipt and approval notices online. Alternatively, for approvals, USCIS could collaborate with Customs and Border Protection (CBP) to provide the I-94 online via CBP's I-94 website.

USCIS' Response to Your Recommendations:

1. **Mail the receipt and approval notices with the Form I-94, Arrival/Departure Record, attached to the beneficiary address collected on Form I-129.**

USCIS Response: USCIS does not find the recommendation operationally feasible to implement at this time.

Physically mailing the receipt notice, approval notice, or the I-94 directly to a beneficiary of an I-129 petition is not operationally viable at the present time. While recognizing concerns raised by beneficiaries and the Ombudsman, in addition to operational challenges, this recommendation may require changes to certain regulations and/or privacy documentation before it could be implemented. Many of the I-129 classifications are multi-beneficiary petitions, certain petitions contain 1,000 or more individuals, and petitions with a high number of beneficiaries are common. In many instances, such as petitions for H-2A or H-2B unnamed workers, the beneficiaries are not identified by the petitioner until after the approval of the petition; USCIS notification is not possible in these scenarios. Keeping the concern raised by the Ombudsman in mind, USCIS may revisit this recommendation in the future should new technology or other changes occur that address these challenges.

- 2. Allow the beneficiary to track case status online and eventually be able to access receipt and approval notices (with Form I-94) directly to the beneficiary's online account.**

USCIS Response: USCIS will consider whether implementing this recommendation is possible.

USCIS recognizes that an online account for the beneficiary of a petition is a reasonable way to provide a beneficiary with updates related to the status of the petition filed on their behalf. However, USCIS will need to consider amending privacy documentation and determine the priority of this development in relation to many other agency needs. Beneficiaries would likely need to independently register for their personal online account and provide identifying account information to the petitioner before the petition is filed. A beneficiary account identifier would likely need to be linked to the petition receipt number at the time of filing. Current receipt notices for some classifications list all the workers, and this means that receipt notices cannot be shared to all beneficiaries in the current form due to privacy concerns. Additionally, system and form changes would be required to capture the identifying account information from each beneficiary. Privacy documentation such as System of Records Notices may need to be updated to document the information sharing. USCIS will investigate the feasibility of such technical development as it considers technological solutions in the future.

- 3. Develop a technological solution allowing beneficiaries to access the receipt and approval notices online. Alternatively, for approvals, USCIS could collaborate with CBP to provide the I-94 online via CBP's I-94 website.**

USCIS Response: USCIS is considering the possibility of implementing this recommendation.

USCIS appreciates this recommendation as it considers technological solutions more generally as a means to reduce barriers. As stated under recommendation #2, USCIS will

consider the feasibility of pursuing this capability, including costs and the impact on current IT development priorities, as part of its broader goals to improve customer service. USCIS will also assess whether leveraging CBP systems would be legally and operationally possible and will revisit this recommendation in future considerations of feasible technological solutions.