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be identified by the Registry File Number (for example, R-12345).

(e) *Information required for release of records.* Subjects will be presumed deceased if their birth dates are more than 100 years prior to the date of the request. In other cases, the subject is presumed to be living until the requestor establishes to the satisfaction of the Genealogy Program Office that the subject is deceased. As required on Form G-1041A, primary or secondary documentary evidence of the subject's death will be required (including but not limited to death records, published obituaries or eulogies, published death notices, church or bible records, photographs of gravestones, and/or copies of official documents relating to payment of death benefits). All documentary evidence must be attached to Form G-1041A or submitted in accordance with instructions provided on Form G-1041A.

(f) *Processing of index search requests.* This service is designed for customers who are unsure whether USCIS has any record of their ancestor, or who suspect a record exists but cannot identify that record by number. Each request for index search services will generate a search of the indices to determine the existence of responsive historical records. If no record is found, USCIS will notify the customer accordingly. If records are found, USCIS will provide the customer with the search results, including the type of record found and the file number or other information identifying the record. The customer can use this information to request a copy of the record(s).

(g) *Processing of record copy requests.* This service is designed for customers who can identify a specific record or file to be retrieved, copied, reviewed, and released. Customers may identify one or more files in a single request. However, separate fees will apply to each file requested. Upon receipt of requests identifying specific records by number or other identifying information, USCIS will retrieve, review, duplicate, and then mail the record(s) to the requester. It is possible that USCIS will find a record that contains data that is not releasable to the customer. An example would be names and birth dates of persons who might be living.

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The FOIA/PA only permits release of this type of information when the affected individual submits a release authorization to USCIS. Therefore, the Genealogy Program Office will contact and inform the customer of this requirement. The customer will have the opportunity to submit the release authorization. The customer can also agree to the transfer of the document request to the FOIA/PA program for treatment as a FOIA/PA request as described in 6 CFR Part 5. Document retrieval charges will apply in all cases where documents are retrieved.

[73 FR 28031, May 15, 2008]

§ 103.41 Genealogy request fees.

(a) *Genealogy search fee.* See 8 CFR 103.7(b)(1).

(b) *Genealogy records fees.* See 8 CFR 103.7(b)(1).

(c) *Manner of submission.* The application and fee must be submitted in accordance with form instructions.

[73 FR 28031, May 15, 2008, as amended at 76 FR 53782, Aug. 29, 2011]

§ 103.42 Rules relating to the Freedom of Information Act (FOIA) and the Privacy Act.

Immigration-related regulations relating to FOIA and the Privacy Act are located in 6 CFR part 5.

[76 FR 53782, Aug. 29, 2011]

PART 109 [RESERVED]

PART 204—IMMIGRANT PETITIONS

Subpart A—Immigrant Visa Petitions

Sec.

204.1 General information about immediate relative and family-sponsored petitions.

204.2 Petitions for relatives, widows and widowers, and abused spouses and children.

204.3 Orphan cases under section 101(b)(1)(F) of the Act (non-Convention cases).

204.4 Amerasian child of a United States citizen.

204.5 Petitions for employment-based immigrants.

204.6 Petitions for employment creation aliens.

204.7 Preservation of benefits contained in savings clause of Immigration and Nationality Act Amendments of 1976.

204.8 [Reserved]