

November 7, 2023

Samantha Deshombres
Chief, Regulatory Coordinator
Division Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

Re: Comment in Response to the DHS/USCIS Agency Information Collection Activities; Revision of a Currently Approved Collection: Application To Register Permanent Residence or Adjust Status; Docket No. USCIS–2009–0020; OMB Control Number 1615–0023

Dear Chief Deshombres,

We the 128 undersigned national, state, and local organizations and individuals write to provide a comment in response to the Department of Homeland Security's (DHS) Agency Information Collection Activities; Revision of a Currently Approved Collection: Application to Register Permanent Residence or Adjust Status, published on September 8, 2023.

U.S. Citizenship and Immigration Service (USCIS) should reconsider the proposed revisions to Form I-485. The proposed form increases the information requested from applicants and includes vague and overbroad questions that are confusing for applicants. The proposed changes as they stand make the form longer and less accessible for applicants, particularly those who are unable to obtain legal representation. The Form I-485 is among the most important and widely used forms the agency has and the level of accessibility of the form specifically correlates to the stability of immigrant populations and communities at large. Further, by making the application for permanent residence less accessible, USCIS is creating a *de facto* barrier to naturalization, which is contrary to President Biden's Executive Order 14022¹ on promoting naturalization. In the last few years, USCIS has shown a willingness to shorten and streamline forms related to naturalization in the name of reducing barriers to naturalization. However, that commitment must extend to other USCIS benefit forms. If applicants cannot obtain lawful permanent residence or are severely delayed in obtaining lawful permanent residence, their ability to naturalize is restricted as is their full civic participation in the United States. Additionally, increasing form length² and including vague and confusing questions creates an increased burden on adjudicators. When questions on forms are unclear or require an applicant to provide broad information, adjudicators must spend time and resources seeking

¹Executive Order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans (<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/executive-order-restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts-for-new-americans/>).

²Increases to form length are contrary to the Biden Administration's stated goal of reducing administrative burdens and paperwork. See Executive Order on Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government (<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/12/13/executive-order-on-transforming-federal-customer-experience-and-service-delivery-to-rebuild-trust-in-government/>).

clarification through Requests for Evidence, which results in delays. This adds to processing delays and backlogs which are already significant.³

USCIS should revise Form I-485 to make the form accessible for applicants, particularly *pro se* applicants. Doing so will enable more eligible applicants to obtain permanent residence even if they are not able to obtain legal representation. Administrative barriers such as longer, more complex forms further disadvantage groups that are traditionally more vulnerable including Black and Brown communities, survivors of intimate partner violence, sexual violence, human trafficking, or other forms of trauma and low-income communities.⁴ Further, streamlining the form will reduce the burden on adjudicators by ensuring that only information relevant to an applicant's eligibility is submitted. Some examples of changes that USCIS should make include:

- Eliminate questions that ask applicants to self-report criminal activity (e.g., proposed Form Part 9, Question 23) even where there has been no contact with the criminal legal system. These questions require applicants to draw legal conclusions about whether certain activity violates the laws of any country or state he or she has lived in up to the point of application. Applicants may not even be aware that conduct was illegal given the differences between jurisdictions.
- Eliminate Part 9, Question 14 on the proposed form about an applicant's history with removal proceedings including expedited removal proceedings. Many applicants may not be aware of the type of proceedings he or she has been in, particularly if they were unrepresented in those proceedings and especially if those proceedings were many years in the past. USCIS, through inter-agency data sharing, can obtain this information without input from the applicant and by eliminating this question, the risk of submission of incorrect information or omission of information is reduced.
- Provide clarity for the public charge inquiry in Part 9, Question 69 on the proposed form. This question is on the current version of the form as well and has caused confusion for applicants who have trouble drawing the distinction between being *subject* to the public charge ground of inadmissibility and *being inadmissible* under the public charge ground. This question should be eliminated as USCIS adjudicators are better equipped to make a public charge analysis and determination than applicants. Eliminating this question would avoid incorrect responses on the form and further adjudicatory delays.

Given the importance of permanent residence to the stability of immigrants and ability to more fully engage in civic life in the United States, USCIS should revise Form I-485 to increase accessibility for applicants. The agency should more narrowly tailor questions to ensure that only information relevant to an applicant's eligibility for permanent residence is requested. Doing so will encourage and benefit those eligible to apply and will also streamline adjudication

³ USCIS reports that FY23 processing times for I-485s range from 3.3 months for Cuban Adjustment applicants to 22.9 months for asylee adjustment applications. See Historical National Median Processing Time (in Months) for All USCIS Offices for Select Forms By Fiscal Year, Fiscal Year 2018 to 2023 (up to September 30, 2023), available at <https://egov.uscis.gov/processing-times/historic-pt>.

processes and reduce the burden on the agency as it works to balance competing priorities and reduce backlogs across the spectrum.

If you have any questions or require any further information, please contact Elizabeth Taufa at etaufa@ilrc.org.

Sincerely,

ACANA

Addison Dickens

Adhikaar for Human Rights and Social Justice

African Cultural Alliance of North America

Alexander Kristallis, East Bay Sanctuary Covenant

Americans for Immigrant Justice

Angela Li

Asian American Federation

Asian Americans Advancing Justice | AAJC

Asian Americans Advancing Justice | Chicago

Asian Americans Advancing Justice Southern California (AJSOCAL)

Asian Americans and Pacific Islanders of New Jersey (AAPI NJ)

Asian Community Development Council

Asian Pacific American Labor Alliance (APALA) Pittsburgh Chapter

Asian Pacific Institute on Gender-Based Violence

Association of Africans Living in Vermont

Bonding Against Adversity

Border Network for Human Rights

Buen Vecino of Ventura County

Caminar Latino - Latinos United for Peace and Equity

Canal Alliance

Capital Area Immigrants' Rights Coalition

CARECEN

Caroline Sennett

Catholic Charities Atlanta

Catholic Charities East Bay

Catholic Charities of the Diocese of Raleigh

Catholic Migration Services, New York

Center for Safety & Change

CenterLink: The Community of LGBTQ Centers

Central American Refugee Center (CARECEN NY)

Central American Resource Center -CARECEN- of California

Central American Legal Assistance

Central Valley Immigrant Integration Collaborative

Chinese Community Center

Chinese Information and Service Center

Coalición de Derechos Humanos
Coalition to Abolish Slavery and Trafficking (CAST)
Community Resource Center of New York
Comunidades Sin Fronteras CSF-CT INC
Connecticut Institute for Refugees and Immigrants
Council of Peoples Organization
DC Volunteer Lawyers Project
Deborah Y. Chen
Dominicanos USA
Dorothy Day Catholic Worker, Washington DC
Eleazar Valdez
Ellen Messali
Employee Rights Center
End Domestic Abuse Wisconsin
Erich Keefe
Florence Immigrant & Refugee Rights Project
Florida Immigrant Coalition
Freedom Network USA
GMHC Inc
HANA Center
Hannah Walsh
HIAS Pennsylvania
Human Rights Initiative of North Texas
Illinois Coalition for Immigrant and Refugee Rights
Immigrant & Refugee Justice (IRJ), a task force of the WNY Peace Center
Immigrant Law Center of MN
Immigrant Legal Resource Center
Immigration Equality
Immigration Justice Clinic, John Jay Legal Services, Inc., Elizabeth Haub School of Law at Pace University
Immigration Outreach Service Center
Immigration Resource Center of San Gabriel Valley
Indu Law Group, PC
International Rescue Committee
InterReligious Task Force on Central America
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Meredith Brown, Law Office of Meredith Brown
Miami Valley Immigration Coalition
Mountain State Justice
Multicultural Family Center
NALEO Educational Fund
National Immigrant Justice Center
New York Legal Assistance Group (NYLAG)
NMIC
North Suburban Legal Aid Clinic
Northwest Immigrant Rights Project
Oasis Legal Services
OCA-Asian Pacific American Advocates
OCA-Asian Pacific American Advocates Greater Houston
OneAmerica
OPAWL-Building AAPI Feminist Leadership
PARS Equality Center
Proyecto Vida Digna
Public Counsel
Rockland Immigration Coalition
Safe Harbor Clinic
Safe Horizon Immigration Law Project
Sanctuary for Families
Sapna NYC
Sojourners
South Asian Network
Southeast Asia Resource Action Center (SEARAC)
The Advocates for Human Rights
UA3, Inc.
UnidosUS

Urban Justice Center Domestic Violence Project
Volunteer Lawyers Project of CNY, Inc.
WE RISE SF
West African Community Council
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