

January 8, 2016

USCIS, Office of Policy and Strategy
Regulatory Coordination Division
Attn: Laura Dawkins
Chief, Regulatory Coordination Division
20 Massachusetts Avenue, NW
Washington, DC 20529-2140

Dear Ms. Dawkins:

RE: Agency Information Collection Activities: Application To Replace Permanent Resident Card, Form Number I-90; Revision of a Currently Approved Collection.

On behalf of Family Equality Council, please accept these comments on the United States Citizenship and Immigration Service's (USCIS) Agency Information Collection Activities regarding Application to Replace Permanent Resident Card, Form I-90; Revision of a Currently Approved Collection. Family Equality Council (FEC) is a national organization working to ensure full social and legal equality for lesbian, gay, bisexual, and transgender (LGBT) parents and their children by providing direct support, educating the American public, and securing inclusion in legislation, policies, and practices impacting families. On behalf of the more than three million LGBT parents and their six million children across the United States,¹ Family Equality Council would like to thank the Director and the Service for their work to provide inclusive and comprehensive services to the LGBT and immigrant communities within the United States.

Parent Designations

Form I-90 permits permanent residents in the United States to renew or replace their Permanent Resident Card, a document that functions as evidence of legal presence in the United States. USCIS administers this form,² which can be filled out by the applicant him or herself as a requester, or another person designated as a preparer.

The form requires the requester to provide information about his or her parents in fields labeled "Mother's Name," and "Father's Name."³ This "Mother"/"Father" distinction may cause confusion and unnecessary delay because these gendered terms may not accurately reflect a requester's family. For example, a requester with two parents of the same sex is required to arbitrarily designate one parent as the "Mother" and the other as the "Father" in order to identify both parents. Because of this, a requester with parents of the same sex is not only forced to inaccurately describe the structure of his or her family, but also may feel that this structure results in ineligibility for a replacement Permanent Resident Card. Such inaccuracy or perceived ineligibility could lead to a failure to obtain a replacement Permanent Resident Card, causing a range of issues that the requester should not face as a legal permanent resident. The form asks for this information in order to more firmly establish the identity of the requester, and using the gendered terms "Mother" and "Father" adds nothing to the information gathered by the form that could not be ascertained with a gender-neutral term like "parent."

¹ Gary J. Gates, *LGBT Parenting in the United States*, The Williams Institute at UCLA School of Law, (Feb. 2013), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Parenting.pdf>.

² *Application to Replace Permanent Resident Card*, Form I-90 06/30/15, United States Citizenship and Immigration Service, available through the United States Citizenship and Immigration Service at <http://www.uscis.gov/sites/default/files/files/form/i-90.pdf>.

³ *Id.* at page 2.

Recommendations

The “Mother’s Name” and “Father’s Name” fields on Form I-90 can easily be changed without undermining or compromising the information gained from this form, namely the ability to distinguish between requesters with similar names, by changing the fields to read “Parent 1” and “Parent 2.” In fact, altering the question as recommended would allow requesters to complete the form more fully and truthfully, and more accurately match any previous records with which Form I-90 is being compared.

While the form’s governing statute includes and defines “mother” and “father” as gender-specific terms, it also includes and defines “parent,” a gender non-specific designation.⁴ Because the term “parent” is already included in the governing statute, altering Form I-190’s fields in the recommended fashion does not require statutory or regulatory changes. Thus, these recommended changes are solely of internal government policy and can be made by the Director of United States Citizenship and Immigration Services, through power granted him by the Secretary of Homeland Security as established by 8 U.S.C. § 1103.

The federal government’s hundreds of programs, services, and benefits are intended to be accessible to all who qualify. Changing Form I-90 to read “Parent” rather than “Mother” and “Father” will be a cost-neutral change to more accurately reflect the varied composition of today’s families. It will also increase governmental efficiency by alleviating the needless delays and denials caused by confusion and incorrect completion of the outdated form.

We respectfully recommend that USCIS include children of LGBT parents in its information gathering, and modernize the “Mother” and “Father” fields on their forms to read “Parent” to better reflect and serve contemporary American families. We commend USCIS and the Department of Homeland Security for their work, and look forward to the final draft of this form.

We are happy to provide your office with any additional information or clarification that you might need. Please contact Austen Brandford (abrandford@familyequality.org, 202-607-2140) in our Washington, D.C. office with any questions.

Sincerely,



Emily Hecht-McGowan
Interim Co-Executive Director and Director of Public Policy
Family Equality Council

⁴ 8 U.S.C. § 1101(b)(2).