PUBLIC SUBMISSION

Comment Submitted by Kim Kushner Dominguez

Posted by the **U.S. Citizenship and Immigration Services** on Oct 12, 2020

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Comment

Please add VAWA as an option in Public Charge + I-864 Exemptions list in Part 8 questions 62 on the form.

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USCIS-2009-0020-0203

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Your Voice in Federal Decision Making

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Unrelated Comment Submitted by Anonymous

Posted by the **U.S. Citizenship and Immigration Services** on Oct 30, 2020

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Comment

Breaking news: Tucker Carlson of Fox News has proof of the Biden family's "crimes"

"On Monday we received from a source a collection of confidential documents related to the Biden family. We believe those documents are authentic, they're real, and they're damning"

Sounds bad for the Bidens. But wait!

"We texted a producer in New York and we asked him to send those documents to us in LA... He shipped those documents overnight to California with a large national carrier brand... But the Biden documents never arrived in Los Angeles. Tuesday morning we received word from the shipping company that our package had been opened and the contents were missing. The documents had disappeared."

Ouch. Too bad, Carlson. But don't give up. If those documents are anything like President Trump's healthcare plan they'll appear in "two weeks"

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Your Voice in Federal Decision Making

MLRI MASSACHUSETTS LAW REFORM INSTITUTE

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October 29, 2020

Submitted online via regulations.gov

Samantha Deshommes
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services, Department of Homeland Security
20 Massachusetts Avenue NW
Washington, D.C. 20529-2140

Re: Docket ID number USCIS–2009–0020; OMB Control Number: 1615–0023; Agency Information Collection Activities; Revision of a Currently Approved Collection; Extension:Application to Register Permanent Residence or Adjustment of Status

Dear Ms. Deshommes:

The Massachusetts Law Reform Institute (MLRI) respectfully submits the following comments in connection with the Department of Homeland Security's (DHS) Notice of Information Collection published in the Federal Register on June 25, 2020.

Established in 1968, MLRI is a statewide nonprofit poverty law and policy center. Our mission is to provide advocacy and leadership in advancing laws, policies, and practices that secure economic, racial, and social justice for low-income people and communities in Massachusetts. As a state-level legal services support center, MLRI also provides substantive expertise and technical assistance in several areas of poverty law to civil legal aid providers, policymakers, and a large number of organizations that work with and/or serve low-income people and vulnerable populations in Massachusetts. Our comments draw upon the work and nationally-recognized expertise of MLRI lawyers and policy analysts in the areas of immigration, income inequality, and the cross-substantive racial justice lens with which MLRI approaches anti-poverty advocacy.

A number of the proposed changes to the I-485 Form and Instructions raise significant concerns for MLRI and the low-income immigrants we advocate for and represent across the state. We are particularly concerned about those proposed changes that would result in denial or rejection of the application for non-substantive reasons, those that would unnecessarily increase the cost and time of adjudications, those likely to create confusion and barriers to adjustment for vulnerable populations such as VAWAs, Ts, and Us, and those that impose irrelevant yet burdensome educational background requirements.

1) Rejection for leaving questions blank, which presumably includes those questions that call for a Yes or No answer even if neither applies.

(*Form I-485 Instructions, Page 6, How to Fill out Form I-485 and Form I-485, Page 1, Note to All Applicants)*

MLRI opposes the proposed language to reject or deny applications with blank responses and urges USCIS to also rescind the recent processing policy of rejecting or denying other applications for blank spaces on forms.[1]

The proposed change in the completion requirements represent a significant policy shift that would impose unnecessary burdens on I-485 applicants and the attorneys who represent them, create additional barriers to the I-485 application process, and needlessly drain agency resources at a time when USCIS is claiming dire financial straits.[2]

Until recently, USCIS - and legacy INS before that - historically accepted forms with blank spaces (or with crossed out spaces) for fields that did not apply to the applicant or the petitioner and otherwise permitted applicants reasonable latitude to demonstrate eligibility.[3] In particular, USCIS and legacy INS applied a relevance test to information omitted from initial filings. Based on our practice experience, if the initial submission was otherwise complete and the missing information was not material to the benefit request, the filing was accepted and processing commenced; if necessary, a request for additional information was issued to clarify any omissions. Rejections of filings before a substantive review were rare, except for reasons authorized in the regulations. Adjudicators were appropriately allowed to use their judgment, experience and discretion to review the submission in its entirety and determine whether the omission required clarification.

USCIS is now proposing to reject, and in some cases even deny, Form I-485 applications that contain blank spaces, even when those fields are optional or not applicable to the applicant, and even when the information sought is immaterial. This unnecessary and burdensome policy is currently being applied to Form I-589, Application for Asylum and for Withholding of Removal, Form I-918, Petition for U Nonimmigrant Status, and Form I-914, Application for T Nonimmigrant Status, among others, with devastating consequences. As outlined in an August 13, 2020 letter to USCIS, AILA and partners outlined how this policy, as currently applied to Form I-589, Form I-918 and Form I-914, has placed already-vulnerable victims further at risk of

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[1] *See* USCIS Accountability: An Examination of "Blank Space" Rejections, AM. IMMIGRATION LAWYERS ASS'N (July 24, 2020), published on AILA InfoNet at Doc. No. 20072494; AILA and Partners Send Letter to USCIS on the Blank Spaces Form Rejection Policy, AM. IMMIGRATION LAWYERS ASS'N (Aug. 13, 2020), published on AILA InfoNet at Doc. No. 20081362. AILA Doc. No. 20082500. (Posted 8/25/20)

[2] *See* Deputy Director for Policy Statement on USCIS' Fiscal Outlook, U.S. CITIZENSHIP & IMMIGRATION SERV. (June 25, 2020), https://www.uscis.gov/news/news-releases/deputy-director-for-policy-statement-on-uscis-fiscal-outlook. AILA Doc. No. 20082500. (Posted 8/25/20)

[3] For example, USCIS instructed I-918 U visa petitioners to fill out the form "fully and accurately" including the use of N/A or None in earlier versions of the form, going back at least a decade. The rejection of U visa petitions based merely on blank spaces on forms did not start until December 2019.

harm by delaying the adjudication of their applications.[4] Even worse, it has caused some individuals to lose their eligibility altogether.[5]

Imposing such bureaucratic obstacles on applicants submitting the Form I-485 application is particularly unconscionable during the national pandemic, given the extreme difficulties that applicants may experience remediating and resubmitting applications that could be summarily rejected or even denied under the proposed policy. Moreover, applicants are acutely disadvantaged by USCIS' significant delays in issuing notifications. It is currently taking the agency substantial amounts of time to reject or deny applications, thereby affecting filing deadlines and other eligibility requirements, like age-out provisions.[6] Furthermore, delays caused by such rejections could impact an individual's eligibility if policies or regulations are revised in the interim (e.g. adjustment of status applicants whose applications are rejected for blank spaces may be subject to the new fee rule and incur additional costs to filing).

The timing for adopting this new processing policy of rejecting applications for blank spaces to Form I-485 is also unwise given USCIS' asserted financial straits.[7] The adoption of this new policy to the Form I-485 would only make the agency's alleged financial situation worse by imposing additional and unnecessary obstacles for applicants to file Form I-485 with USCIS. The resulting delay in USCIS' receipt of the filing fee revenue per applicant, where applicants must secure additional documentation in order to answer every question, no matter how irrelevant, will only further exacerbate USCIS' financial difficulties. The excessive new form completion requirements will also impose additional and unnecessary administrative burdens on the agency to issue rejections notices and mail back rejected Form I-485 applications to applicants across the United States, at a considerable cost to the agency. For these reasons, we urge USCIS to immediately withdraw the proposed language, as well as rescind the agency's recent processing policy of rejecting and denying applications for blank spaces on forms.

For all of the above reasons, we also oppose the parallel language proposed on Page 1 of the form itself to the effect that leaving any fields blank may result in denial of the application. As outlined above, the agency's proposal to deny Form I-485 for any blank spaces on the form would be a significant policy shift that would impose unnecessary burdens on I-485 applicants and the attorneys who represent them, create additional barriers to the I-485 application process, and needlessly drain agency resources at a time when USCIS is claiming dire financial straits.

We urge USCIS to withdraw these changes in the Form I-485 completion requirements as well as rescind the recent processing policy of rejecting or denying other applications for blank spaces on forms.

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[4] *See* USCIS Accountability: An Examination of "Blank Space" Rejections, AM. IMMIGRATION LAWYERS ASS'N (July 24, 2020), published on AILA InfoNet at Doc. No. 20072494; AILA and Partners Send Letter to USCIS on the BlankSpaces Form Rejection Policy, AM. IMMIGRATION LAWYERS ASS'N (Aug. 13, 2020), published on AILA InfoNet at Doc. No. 20081362.

[5] *Id*.

[6] *See* USCIS, Check Case Processing Times, https://egov.uscis.gov/processing-times/ (last visited Oct. 28, 2020).

[7] *See* Deputy Director for Policy Statement on USCIS' Fiscal Outlook, U.S. CITIZENSHIP & IMMIGRATION SERV. (June 25, 2020), https://www.uscis.gov/news/news-releases/deputy-director-for-policy-statement-on-uscis-fiscal-outlook. AILA Doc. No. 20082500. (Posted 8/25/20)

2) Inclusion of language harmful to vulnerable populations exempt from public charge inadmissibility rules (VAWAs, Ts, and Us)

(Part 8 – General Eligibility and Inadmissibility Grounds, Questions 71-72p)

Question #71 asks if the applicant is exempt from the public charge ground of inadmissibility. It refers the applicant to the Form I-485 Instructions. The Instructions, on page 14, state that if the applicant is exempt from the public charge ground of inadmissibility, he or she does not need to submit either a Form I-944 or an I-864. It then lists the 19 categories of applicants who are exempt, from A through S. These include applicants granted U status, T status, and VAWA self-petitioners. This means that these applicants do not need to submit an I-864. The current Form I-485 states that "if you answered 'Yes' to" the question of being exempt from public charge, then the applicant should skip the next questions regarding the affidavit of support (Questions #62a-n). This is logical, except on the current form the questions regarding exemption from the affidavit of support include categories exempt from public charge. If the applicant is exempt from public charge, he or she is exempt from the affidavit of support and therefore should have skipped this question. Many practitioners are therefore confused as to whether they need to indicate that the applicant is exempt from the I-864 if they are exempt from public charge. For example, one exemption from the affidavit of support is because "I am applying under the human trafficking victim (T nonimmigrant) immigrant category." (Question #62f). Another exemption from the affidavit of support is because "I am applying under the victim of qualifying criminal activity (U nonimmigrant) immigrant category." (Question #62h). As indicated in the Instructions, both T and U nonimmigrants are exempt from public charge and therefore should not be answering question #62. What compounds the confusion is that Question #62 does not include a similar I-864 exemption for VAWA applicants. They are also exempt from public charge and should not be included in #62, but it is inconsistent to include U and T nonimmigrants and not VAWA recipients.

The simple remedy, therefore, would be to delete current Questions #62f and #62g rather than to add a separate category for VAWA applicants. Unfortunately, the proposed I-485 misses this opportunity. Instead, the proposed Question #71 deletes the language from current Question #61 stating that if the applicant is exempt from public charge, he or she should skip over the next questions as to whether he or she should file an I-864. The result is that applicants who are exempt from public charge and who have stated that in Question #71 must now explain why they are exempt from filing the I-864. Again, everyone exempt from public charge is exempt from the affidavit of support. But Questions #72a-n include applicants who are both exempt from public charge and those who are subject to it but exempt from the affidavit of support. It merges two distinct requirements or exemptions. Rather than eliminating the confusion with the current form, it actually compounds it.

3) Unnecessary requirement of educational history along with accounting for how the person supported themselves during periods of unemployment

(Part 2 – Application Type or Filing Category, Questions 7-18c)

Whether or not an adjustment applicant has a particular educational background is irrelevant to establishing eligibility for adjustment of status itself[8] and has limited applicability to only the admissibility criteria for which education is relevant - criteria that do not apply to all adjustment of status applicants. For example, public charge admissibility does contain an education factor relevant to the totality of circumstances standard[9]; however, many categories of adjustment of status applicants are exempt from public charge criteria, and requiring them to provide educational background information imposes obligations upon them that the statute does not authorize. Denying them adjustment of status based on the response to such a question (or the lack of response, given the new completion rule discussed above) is tantamount to imposing an *ultra vires* requirement on them, contrary to law. In addition, requiring them to answer these questions increases the costs for them, to the extent they must pay for counsel to supply the requested information or locate it, and to the agency, which must dedicate time to reviewing answers and documentation that have no relevance.

To the extent that the education questions may have a bearing on those cases where education is a relevant line of inquiry, because public charge criteria are applicable, these questions duplicate what is already solicited on the I-944 such individuals must submit.[10] There is no reason for requiring applicants to produce the same basic information on two different forms or for agency officials to squander public resources reviewing the same or similar information on multiple forms. These questions should be deleted or tailored to the admissibility grounds to which they apply.

The self-support questions also appear to impose an *ultra vires* eligibility question for an individual to attain adjustment of status under the INA and related statutes, as Congress never required all adjustment applicants to demonstrate an absolute ability to support themselves, and even in the public charge admissibility determination, a totality of circumstances test is required by statute and looks to future prospects of self-support; thus, requiring such information represents an extra-statutory eligibility requirement that Congress never authorized. Additionally, as with the education questions, the self-support inquiry duplicates the inquiry that is already triggered by questions on the I-944[11] , which unnecessarily increases the costs of adjudication for the agency as well as the costs of completion for the applicant.

For these reasons, MLRI strongly opposes the proposed changes to the I-485 Form and Instructions.

Respectfully submitted,

Iris Gomez, MLRI Senior Staff Attorney

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[8] Section 245 of the INA details very precise requirements to establish eligibility for adjustment of status. 8 U.S.C. 1255(a)-(m). Possession of an education - or the lack of one - is not one of the requirements, based on a simple textual reading of the statute.

[9] *See* Section 212(a)(4)(B)(i)(V) of the INA.

[10] Part 4 of the I-944 on pages 11-13 of that form solicit detailed education information for these applicants, for example.

[11] Part 3 of the I-944 asks for assets information, for example, as well as information about income resources, both of which would ostensibly supply the answers to the proposed self-support questions..

Mario Paredes, Esq., MLRI Staff Attorney & Bart J. Gordon Fellow
Ben Gessel, MLRI Immigration Team Intern

CATHOLIC LEGAL IMMIGRATION NETWORK, INC.

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Submitted online via regulations.gov

August 24, 2020

Samantha Deshommes
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U.S. Citizenship and Immigration Services, Department of Homeland Security
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Washington, D.C. 20529-2140

Re: Docket ID number USCIS–2009–0020; OMB Control Number: 1615–0023; Agency Information Collection Activities; Revision of a Currently Approved Collection; Extension: Application to Register Permanent Residence or Adjustment of Status

Dear Ms. Deshommes,

The Catholic Legal Immigration Network, Inc. (CLINIC) respectfully submits the following comments in connection with the Department of Homeland Security's (DHS) Notice of Information Collection published in the Federal Register on July 25, 2020.

Embracing the gospel value of welcoming the stranger, CLINIC promotes the dignity and protects the rights of immigrants in partnership with a dedicated network of immigration legal services programs. This network includes approximately 380 programs operating in 48 states and the District of Columbia. CLINIC's network employs roughly 1,400 attorneys and accredited representatives who, in turn, serve hundreds of thousands of low-income immigrants each year. Over 90 percent of CLINIC's affiliates offer family-based immigration services, including assistance with applications for adjustment of status to lawful permanent residency.

U.S. immigration policy reflects the importance of family reunification. Of the 1,096,611 foreign nationals admitted to the United States in FY2018 as lawful permanent residents (LPRs), almost 70 percent were admitted based on family ties. Similarly, the sanctity of the family is a dominant element of Catholic social teaching and a high priority of the Catholic Church. Accordingly, CLINIC supports immigration policies and procedures that promote and facilitate family unity and welcomes changes to the immigrant visa process that assist families in obtaining this immigration benefit. Our values are best expressed by Pope John XXIII who wrote in Pacem in Terris, "Now among the rights of a human person there must be included that by which a man may enter a political community where he hopes he can more fittingly provide a future for himself and his dependents. Wherefore, as far as the common good rightly understood permits, it is the duty of that state to accept such immigrants and to help to integrate them into itself as new members."

CLINIC provides the following comments to the proposed Form I-485, Application to Register Permanent Residence or Adjust Status:

Part 1. Information About You

Question #32b includes "Cuban parole" as an option in the parenthetical. All persons who are paroled for humanitarian reasons are paroled under INA § 212(d)(5). There is no separate classification for Cubans who are paroled into the country. Therefore, CLINIC recommends that USCIS delete the words "Cuban parole."

Part 2. Application Type or Filing Category

Question #4a, Religious Worker, contains a typo. The number "360" is written twice.

Questions #1 and #13 are duplicative. Questions regarding whether the applicant is a principal or derivative beneficiary, and questions about the principal, should all be in the same place on the form.

Part 3. Additional Information About You

Question #1 reads: "Have you ever applied for an immigrant visa to obtain permanent resident status at a U.S. embassy or U.S. consulate abroad *to obtain permanent resident status*" [added language in italics]. The proposed added language is redundant and should be deleted. USCIS should also delete the word "abroad," since all U.S. embassies and consulates are located abroad.

Part 8 – General Eligibility and Inadmissibility Grounds

Questions #29 – 33 relate to possible immigration violations in countries other than the United States and are not relevant to inadmissibility under INA § 212(a). They also use terms such as "employment authorization (or the equivalent)," "unlawful presence (or the equivalent)," "removal, deportation, or exclusion proceedings (or the equivalent)," and "ordered removed, deported, or excluded (or the equivalent)." It is unreasonable to ask applicants for adjustment of status whether terms used in U.S. law have any equivalency in the laws of other countries, especially when they have no bearing on the applicant's admissibility. CLINIC strongly recommends that these questions be deleted.

Question #71 asks if the applicant is exempt from the public charge ground of inadmissibility. It refers the applicant to the Form I-485 Instructions. The Instructions, on page 14, state that if the applicant is exempt from the public charge ground of inadmissibility, he or she does not need to submit either a Form I-944 or an I-864. It then lists the 19 categories of applicants who are exempt, from A through S. These include applicants granted U status, T status, and VAWA self-petitioners. This means that these applicants do not need to submit an I-864.

The current Form I-485 states that "if you answered 'Yes' to" the question of being exempt from public charge, then the applicant should skip the next questions regarding the affidavit of support (Questions #62a-n). This is logical, except on the current form the questions regarding exemption from the affidavit of support include categories exempt from public charge. If the applicant is

exempt from public charge, he or she is exempt from the affidavit of support and therefore should have skipped this question.

Many practitioners are therefore confused as to whether they need to indicate that the applicant is exempt from the I-864 if they are exempt from public charge. For example, one exemption from the affidavit of support is because "I am applying under the human trafficking victim (T nonimmigrant) immigrant category." (Question #62f). Another exemption from the affidavit of support is because "I am applying under the victim of qualifying criminal activity (U nonimmigrant) immigrant category." (Question #62h). As indicated in the Instructions, both T and U nonimmigrants are exempt from public charge and therefore should not be answering question #62. What compounds the confusion is that Question #62 does not include a similar I-864 exemption for VAWA applicants. They are also exempt from public charge and should not be included in #62, but it is inconsistent to include U and T nonimmigrants and not VAWA recipients. The simple remedy, therefore, would be to delete current Questions #62f and #62g rather than to add a separate category for VAWA applicants.

Unfortunately, the proposed I-485 misses this opportunity. Instead, the proposed Question #71 deletes the language from current Question #61 stating that if the applicant is exempt from public charge, he or she should skip over the next questions as to whether he or she should file an I-864. The result is that applicants who are exempt from public charge and who have stated that in Question #71 must now explain why they are exempt from filing the I-864. Again, everyone exempt from public charge is exempt from the affidavit of support. But Questions #72a-n include applicants who are both exempt from public charge and those who are subject to it but exempt from the affidavit of support. It merges two distinct requirements or exemptions. Rather than eliminating the confusion with the current form, it actually compounds it. CLINIC recommends maintaining the current language on the Form I-485 but eliminating questions #62f and g.

In the alternative, CLINIC recommends the following changes to the proposed Form I-485, Question #72, under the *Heading Affidavit of Support under Section 213A of the INA (Form I-864)*:

- Insert: "If you are exempt from public charge, you do not need to file a Form I-864" before the words "You may need to file Form I-864."
- Change: "You may need to file Form I-864" to "If you are subject to public charge, you need to file a Form I-864 unless you are exempt under one of these categories."
- Change: "I am EXEMPT from filing Form I-864 because:" to "I am subject to public charge but EXEMPT from filing Form I-864 because:"
- Delete all text contained in Questions #72f and h. These categories pertain to U and T nonimmigrants who are not subject to public charge.
- Delete all text contained in Questions #72g and i. To the extent there are any T and U nonimmigrants who are applying to adjust based on some other immigration category (e.g., an approved family-based petition), their exemption from public charge or the affidavit of support would be based on the immigration category they are applying under.
- Delete the text in Question #72j. If the applicant is exempt from public charge, it is unnecessary to indicate that he or she is also exempt from filing the affidavit of support.

- Delete the text in Question #72o. This pertains to Amerasians, who are exempt from public charge.

CLINIC provides the following comments to the proposed Instructions for Application to Register Permanent Residence or Adjust Status:

There is an inconsistency between proposed Instructions and the proposed I-485. On page 5 the Instructions it states that USCIS *may* require the applicant to complete biometrics. On page 10 of the proposed Form I-485 it states that the applicant *will* be required to appear for a biometrics appointment. If the Form I-485 will be changed, then the instructions should be consistent.

On page 18, under what documentation to include if an applicant is unable to obtain certified copies of court dispositions, the instructions are confusing. Being required to submit all three of the documents below is duplicative and overly burdensome. The language reads:

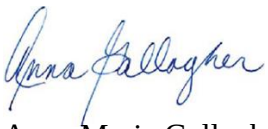
"If you are not able to obtain certified copies of any court disposition please submit ALL THREE items below:

- A written explanation on government letterhead from the custodian of the documents explaining why it is unavailable (unless generally unavailable);
- Written statement from the applicant that explains why the record is not available and describes the charge, arrest/conviction, and final outcome, rehabilitation; and
- Any other secondary evidence that shows the disposition of the criminal case; or if secondary evidence is not available, one or more written statements from someone other than the applicant with personal knowledge of the disposition."

If the custodian of the records provides a letter explaining why records are not available, there is no need to require a statement from the applicant explaining the same issue. Similarly, if the applicant can provide a statement explaining the charge and final outcome of the case, signed under penalty of perjury, the applicant should not be required to obtain a statement containing the same information from another witness.

Thank you for the opportunity to submit these comments. We appreciate your consideration. Please do not hesitate to contact Jill Marie Bussey, CLINIC's Advocacy Director, at jbussey@cliniclegal.org should you have any questions about our comments or require further information.

Sincerely,



Anna Marie Gallagher
Executive Director

Samantha L. Deshommes
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529

RE: Comment on USCIS Proposed Revisions to Form I-485 – OMB Control Number 1615-0023, Docket ID USCIS-2009-0020

Dear Ms. Deshommes:

I am an immigration attorney and sole proprietor of the Law Offices of Monica Kane. My legal career has been dedicated to the practice of immigration law. I was a staff attorney at Neighborhood Legal Services of Los Angeles County, a Legal Services Corporation-funded non-profit organization, from 2002 to 2005 and from 2009 to 2014. From 2005 to 2007, I provided immigration legal services and representation to refugees, asylees, and mixed-status families at Jewish Family and Children's Services, a social service agency in San Francisco, and from 2007 to 2009, I was an associate attorney at Haight Law Group in Los Angeles, California.

My areas of expertise include family-based petitions, petitions for U nonimmigrant status and related relief, and VAWA self-petitions. I have over 18 years of experience with adjustment of status applications, most of which have been based on family-based petitions, VAWA self-petitions, U nonimmigrant status, and I-929 petitions. Preparing Form I-485, Application to Register Permanent Residence or Adjust Status is a frequent and regular part of my immigration law practice, as is representing my clients at their adjustment of status interviews.

I respectfully submit this comment regarding proposed revisions to Form I-485 (OMB Control Number 1615-0023, Docket ID USCIS-2009-0020).

I have read the comments previously submitted by the American Immigration Lawyers Association ("AILA") and the Catholic Legal Immigration Network ("CLINIC"), and I agree and second the points made by both organizations.

I emphatically support AILA's comments regarding the references to indicating "None" and "N/A" through the form and instructions. USCIS has already begun screening Form I-918, Petition for U Nonimmigrant Status for "blank spaces" and rejects petitions for this reason. As a practitioner, I can attest to the effort and anxiety involved in ensuring that even the most obviously irrelevant items are answered with "N/A." To my knowledge, USCIS has not provided a cogent explanation for its newfound focus on seeing each item completed with "N/A", and it has placed a huge burden on applicants and their representatives in attempting to get it right. As of now, the "blank space" policy has created a hurdle to ensuring petitions are filed and receipt notices issued. I am sure I am not the only practitioner to breathe a sigh of relief (or jump for joy) upon receiving I-918 receipt notices this year. However, the proposed new wording for Form I-485 would leave even filed and receipted applications open for denial for failure to provide "N/A" in a single space. This potential result would be unjust and cruel. The "blank space" rejection policy has been confusing and burdensome, as well as prejudicial to some applicants, as

AILA noted, but a "blank space" denial policy would be even more so. I oppose the "blank space" rejection policy and the related proposed wording on the form and instructions as a whole, but I especially urge USCIS not to include the references to denying applications for this reason.

I also emphatically support CLINIC's comments regarding proposed Part 8, Items 71 and 72 (currently Part 8, Items 61 and 62). As CLINIC notes, the current form version is very confusing to practitioners, let alone unrepresented applicants. I second CLINIC's suggestions for improving the current language so that it is crystal clear that if a person indicates they are exempt from the public charge of inadmissibility, the subsequent question regarding being exempt from the affidavit of support requirement does not apply and need not be answered. None of the applicant categories that are exempt from public charge should be listed under the affidavit of support exemption categories because this is redundant and confusing. I strongly urge USCIS to adopt CLINIC's suggestions to improve this section of the current form.

In addition to my support for AILA's and CLINIC's comments, I have the following additional comments regarding the proposed revisions to Form I-485:

- Part 1, Item 5, "Other Date of Birth Used": This is an odd, confusing, and unnecessary addition to the form. The subsequent language asking the applicant to provide any other date of birth used in Part 14, Additional Information, is more than adequate to cover instances where an applicant may have used a different date of birth, whether through confusion, error, or fraud. This language should follow Item 4, "Date of Birth," and item 5 should be stricken.
- Part 1, Item 10, "Any other…A number assigned to you": This clarification is welcome because the current version of the form just appears to ask for the applicant's A number for a second time, but it seems like it would be more appropriate to include it where the initial A number is requested.
- Part 1, Items 20-23, "Social Security Card": This proposed language mirrors that included on the current version of Form I-765. Usually, an adjustment of status applicant will have their Form I-765 adjudicated (and Social Security number issued) prior to the adjudication of Form I-485 so this feels redundant (although occasionally it could be helpful where Form I-485 is actually adjudicated first). It is also unclear whether Social Security will know not to issue a new number upon adjudication of Form I-485 to a person who has already been assigned a number upon adjudication of Form I-765 (or to someone who already had a number assigned prior to applying for adjustment of status). At times, USCIS adjudicates Form I-765 and I-485 for one applicant within days of each other, and I would be concerned about duplicate numbers being assigned, unless Social Security already has a mechanism in place to prevent this.
- Part 2, "Application Type or Category": The proposed language indicating to select only one box is confusing for applicants under categories 2a, 2b, 2c, 2f, 3a, and 4a, where there is a box for the main category (e.g., "Immediate Relative of a U.S. citizen") as well as for the subcategory (e.g., "Spouse of a U.S. citizen"). This confusion may be alleviated by removing the checkbox next to the main category, where there are separate subcategories to choose from.
- Part 2, "Application Type or Category": In trying to guide applicants to select the correct category, some of the descriptions can be misleading, particularly where Child Status Protection Act provisions may apply. In 2f – "VAWA self-petitioning child," including "(unmarried and under 21 years)" ignores the fact that some VAWA self-petitioning children maybe be over 21 years old at the time they apply for adjustment of status (or even when they file their VAWA self-petition in the case of certain petitioners between the ages of 21 and 25).

- Part 2, “Employment and Educational History”: Requesting information about source of support for periods of unemployment seems unnecessary. If a person is subject to the public charge ground of inadmissibility, they will complete and submit Form I-944 with abundant data and evidence regarding their financial status. Source of financial support should be irrelevant for applicants who are not subject to the public charge ground of inadmissibility and not required to submit Form I-944.

Respectfully submitted,

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Form I-485

1. **Part 1, item number 23 (page 3)** – Is this question required under the "blank fields" policy? Because most practitioners have been leaving it blank when the answer to item number 22 is "No." If an answer is required, more instruction should be added.

2. **Part 2, item number 2.b. (page 4)** – The subparts of this question should be indented the way #2.a. and #2.c. are indented.

3. **Part 3, item number 15 (page 8)** – This section has been modified to include school, so this item number should say "Employer, Company, or School" the same way item numbers 7 and 11 do, particular since school is specified as an option for item number 8.

4. **Part 4, item numbers 7-8 and 15-16 (page 9)** – in light of your "blank fields" policy, there should be instruction for what to put in these fields for applicants whose parents are deceased.

5. **Part 7, item number 5 (page 12)** – Maroon is not an eye color.

6. **Part 8, item numbers 43.b. (page 14); 54.b. (page 15); 73.b. (page 18); and 84 (page 19)** – In light of your "blank fields" policy, these yes/no questions need an "N/A" box or special instructions—the way you did with item numbers 34.b. and 34.c.—so that they don't become traps for procedural denials.

7. **Part 8, item number 51 (page 15)** – There are two typos:
   a. There is a closing parenthesis instead of an opening parenthesis in the third line.
   b. In the ninth line, you have "soliciting *be* any means" when it should be "soliciting *by* any means."

8. **Part 8, item number 84 (page 19)** – It appears that a space is missing after the comma before "was a severe…"

9. **Don't forget to change the edition date in the footer**.

Form I-485 Instructions

1. You should probably change the filing fees on page 20 in light of the court injunction that halted the new fee schedule, particularly since the administration is not challenging the injunction in court.

2. There is a question on the form (Part 1, item number 10) that asks for "any other Alien Registration Number (A-Number) assigned to you." It has always been unclear to practitioners whether the USCIS # (a nine-digit number that starts with a 1) would be considered an "A-Number" for this purpose. Clarification in the instructions (it would fit between paragraphs 4 and 5 on page 7) would be extremely helpful.

3. Paragraph 8 on page 7 has instructions about requesting an SSN, and it says "[c]ompleting Item Numbers 20.-23. is optional." But under the new "blank fields" policy

that you've implemented, an application could be rejected or denied if any question is left unanswered. Therefore, this instruction should be modified to tell us exactly how we should answer these questions for applicants who do not want or do not need an SSN.

Form I-485 Supplement J

1. **Page 5 and Page 6** – The header box for Part 8 should specify that it is contact info, etc. for the "Person Preparing Parts 5.-8. of This Supplement" (not 4.-8.).