



**U.S. Citizenship
and Immigration
Services**

Memorandum

TO: Dominic Mancini
Deputy Administrator,
Office of Information and Regulatory Affairs,
Office of Management and Budget

THROUGH: Antoine McCord
Chief Information Officer,
U.S. Department of Homeland Security

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FROM: Samantha Deshommes
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SUBJECT: Request for Emergency OMB Paperwork Reduction Act (PRA) Clearance – new
USCIS Form I-140G, Immigrant Petition for the Gold Card Program

Purpose: U.S. Citizenship and Immigration Services (USCIS) is requesting emergency approval to create a new collection of information, USCIS Form I-140G, Immigrant Petition for the Gold Card Program. USCIS is seeking approval for the collection under 5 CFR 1320.13.

Background: Section 103(a)(1) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1103(a)(1), gives the Secretary of Homeland Security general authority to enforce and administer the immigration laws. Section 103(a)(3) of the INA, 8 U.S.C. § 1103(a)(3), authorizes issuance of forms, instructions, and guidance necessary to carry out the authority provided in section 103(a)(1) of the INA, 8 U.S.C. § 1103(a)(1).

On September 19, 2025, President Trump issued Executive Order 14351, The Gold Card¹. The executive order instructs the Secretary of Commerce, in coordination with the Secretary of State and the Secretary of Homeland Security, to establish the Gold Card program. The purpose of the Gold Card program is to facilitate the immigrant visa process for aliens who have provided a

¹ <https://www.whitehouse.gov/presidential-actions/2025/09/the-gold-card/>

significant unrestricted financial gift to the United States. The required gift is \$1 million for an individual, or \$2 million for a corporation or similar entity sponsoring an individual. The funds are to be paid to U.S. Department of Commerce. The U.S. Department of Homeland Security (DHS) U.S. Citizenship and Immigration Services (USCIS) will adjudicate visa applications, consistent with applicable law, treat the gift specified in subsection (a) of this section as evidence of eligibility under 8 U.S.C. 1153(b)(1)(A), of exceptional business ability and national benefit under 8 U.S.C. 1153(b)(2)(A), and of eligibility for a national-interest waiver under 8 U.S.C. 1153(b)(2)(B).

U.S. Department of Commerce, in coordination with the Secretary of State and the Secretary of Homeland Security, established the Gold Card Program. Legal authorities are identified below:

Department of Commerce: 15 U.S.C. Section 1522 (authority to accept gifts or donations to further the mission of the Department); 15 U.S.C. Section 1524 (authority to direct disbursement of income from the investment of gifts; September 19, 2025, Executive Order 14351, The Gold Card.

Departments of Homeland Security and State: 8 U.S.C. Section 1101 et seq. (Immigration and Nationality Act, as amended) and related authorities governing the U.S. Citizenship and Immigration Services and Department of State; September 19, 2025, Executive Order 14351, The Gold Card.

USCIS created new Form I-140G, Immigrant Petition for the Gold Card Program. This new data collection will be used to assess an alien's eligibility for an available employment-based immigrant visa. The gift donation confers eligibility for either the first employment-based preference (EB-1) alien of extraordinary ability under section 203(b)(1)(A) of the Immigrant and Nationality Act (INA), 8 U.S.C. § 1153(b)(1)(A); or, the second preference (EB-2) alien of exceptional ability under INA section 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A) with a national interest waiver under INA section 203(b)(2)(B), 8 U.S.C. § 1153(b)(2)(B).

This new data collection will also provide the requisite gift's source of funds and the path of funds, which will enable proper vetting to ensure the gift came from a lawful source and not a prohibited source. Prohibited sources, include but are not limited to, proceeds derived from illegal activity, criminal activity, or terrorist activity. The form will also collect data that will be used to process an employment-based visa, consistent with the approved Gold Card recipient's first-preference or second-preference visa allocation, for their derivative spouses and children.

DHS has initiated the standard, normal Information Collection Request (ICR) process to continue the collection beyond the emergency approval period.

Discussion: On September 19, 2025, President Trump issued Executive Order 14351, The Gold Card, and required within 90 days of the date of this order, to take all necessary and appropriate steps to implement the Gold Card program.

Form I-140G, Immigrant Petition for the Gold Card Program, is essential to facilitate the efficient processing of Gold Card petitions while upholding national security. This new information collection is critical to initiating safe and orderly intake; conducting criminal, national security, sanctions, and anti-money laundering screening; and enabling interagency vetting and adjudication.

To administer the Gold Card Program lawfully and securely, the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) must collect a standardized set of

data to properly assess eligibility. This includes biographical information, identity verification, financial details, attestations, declarations, and authorization to release information from all records that USCIS may require to determine eligibility for this U.S. immigration benefit. Additionally, such information may be shared with other entities as necessary for the administration and enforcement of U.S. immigration law.

Without an approved form and instructions to collect a standardized set of data, DHS and USCIS cannot intake, accept, receipt, or adjudicate an alien's eligibility for an available employment-based first-preference or second-preference immigrant visa.

USCIS seeks emergency processing of new USCIS Form I-140G, Immigrant Petition for the Gold Card Program, in accordance with 5 C.F.R. § 1320.13. USCIS certifies that the requirements of 5 C.F.R. § 1320.13(a) are met and that:

- It is needed prior to the expiration of time periods established under the PRA and its implementing regulations;
- It is essential to the mission of the agency; and
- An unanticipated event has occurred.

An unanticipated, adverse event began on October 1, 2025, and continued until November 13, 2025; specifically, the most recent federal government shutdown². Across the nation, this shutdown placed 650,000 federal workers on furlough, while 600,000 more were working without pay³. Because of the shutdown, agency personnel and resources were not available to undertake the PRA's ordinary public process.

If DHS were to adhere to the standard information collection clearance procedures, the Secretary of Homeland Security would be unable to implement the Gold Card Program within 90 days of September 19, 2025, specifically by December 18, 2025. The Federal government shutdown impacted essential partners, including those in Commerce, the Department of State, and the Office of Management and Budget, who were among those furloughed. While USCIS completed all feasible actions during the shutdown, it was only recently that our federal partners were able to resume their critical roles in this collaborative federal effort.

USCIS requests OMB OIRA approval or disapproval of the collection of information under 5 C.F.R. § 1320.13(b) by November 21, 2025.

Recommendation: DHS recommends the emergency approval of this collection of information under 5 C.F.R. § 1320.13.

