

February 17, 2015

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: Biographic Information, Form G-325, G-325A, G-325B, and G-325C; Extension, Without Change, 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: Biographic Information, Form G-325, G-325A, G-325B, and G-325C; Extension, Without Change, of a Currently Approved Collection. Family Equality Council is a national organization working to ensure full social and legal equality for lesbian, gay, bisexual, transgender, and queer (LGBTQ) parents and their children by providing direct support, educating the public, and securing inclusion in legislation, policies, and practices impacting families. On behalf of the more than three million LGBTQ parents and their six million children across the United States,<sup>1</sup> Family Equality Council would like to thank the Director and the Service for their work to provide inclusive and comprehensive services to the LGBTQ and immigrant communities within the United States.

**Mother and Father Designations**

Form G-325, including versions A, B, and C of that form, are used by an alien serving in the armed forces of the United States seeking to live or enter the country, as part of an immigration petition. The form requires applicants to provide identifying information about certain family members, including spouses, children, siblings, and parents. The first section of the form requests personal information about an applicant's parents using fields labeled "Mother" and "Father," and asks for a mother's "Maiden Name."<sup>2</sup> Fields appearing later in that same section request information about an applicant's current and former "Husbands or Wives," including any wives' "Maiden Name."<sup>3</sup>

The intent of this form is to identify the parents and current and former spouses of the applicant, so as to facilitate USCIS properly identifying the applicant and determining whether known information about the applicant or her family members affects her eligibility to enter or live in the United States. Using gendered terms to gather information about the applicant's parents and current and former spouses when the form's intent is to effectively ascertain her identity and the identity of certain family members serves to confuse applicants and possibly delay or deny processing of this form, and petitions for immigration, where the applicant has two mothers, two fathers, or a spouse of the same-sex. Even worse, this language may erroneously convince applicants that they and their family are ineligible to immigrate to the United States based on their sexual orientation or the sexual orientation of their parents. Using the gendered terms "Mother," "Father," "Husbands or Wives," and "Maiden Name" adds nothing to the information gathered by the form that would not be ascertained by using non-gendered terms.

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<sup>1</sup> Movement Advancement Project, Family Equality Council and Center for American Progress, "All Children Matter: How Legal and Social Inequalities Hurt LGBT Families," October 2011, *Issue Brief: Obstacles and Opportunities: Ensuring Health and Wellness for LGBT Families*.

<sup>2</sup> Form G-325

<sup>3</sup> *Id.*

## Recommendations

Form G-325 can easily be changed to use non-gendered terms to describe the parents, current spouse, and former spouses of an applicant. We propose the following amendments to the form's language, all of which can be changed without undermining or compromising the information gained from this form:

- Amend the “Father” and “Mother” language used in the “Family Name” field of this form to read, “**Parent 1**” and “**Parent 2**.”
- Amend the “(Maiden Name)” language used in the “Family Name” field of this form to read, “**(Include any family name at birth)**.”
- Amend the language reading “Current Husband or Wife (If none, so state) Family Name (For wife, give maiden name)” to read, “**Current Spouse (If none, so state) Family Name (Include any family name at birth)**.”
- Amend the language reading “Former Husbands or Wives (If none, so state) Family Name (For wife, give maiden name)” to read, “**Former Spouses (If none, so state) Family Name (Include any family name at birth)**.”

Amending these fields as recommended would allow applicants to complete the form more fully and truthfully, and more accurately match any previous records with which Form G-325 is being compared.

The Director of United States Citizenship and Immigration Services, through power granted him by the Secretary of State, has the authority to change this form as established by 8 U.S.C. § 1104.<sup>4</sup> Neither the statute<sup>5</sup> nor regulations<sup>6</sup> governing immigration applications use gendered terms to describe such an individual's parents or spouse. Thus, the changes we recommend are solely of internal agency policy.

The federal government's thousands of programs, services, and benefits are intended to be accessible to all who qualify, and the language we use to determine eligibility for those benefits carries significant tangible and symbolic consequences for LGBTQ-headed families. Changing Form G-325 to employ gender-neutral parental terms will be a cost-neutral change that would more accurately reflect the varied composition of today's families. Updating this form to be inclusive of same-sex couples and families with two parents of the same-sex will also increase governmental efficiency by alleviating the needless confusion, delays, and denials caused by current outdated forms. The exclusionary effect of the gendered statutory language struck down by the Supreme Court's ruling in *U.S. v. Windsor*<sup>7</sup> shows how gendered spousal fields and other terms like those seen here exclude millions of people from benefits, services, and programs. Updating this form and forms like it to be inclusive of all families will ensure these benefits are available and awarded appropriately to all who are eligible for them.

We respectfully recommend that the United States Citizenship and Immigration Services amend the gendered spousal and parental language on Form G-325 to be inclusive of all parents and families. We commend USCIS and the Department of Homeland Security for its 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 Michael Porcello ([mporcello@familyequality.org](mailto:mporcello@familyequality.org), 202-607-2140) in our Washington, D.C. office with any questions.

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<sup>4</sup> 8 U.S.C. § 1104 (a), (d).

<sup>5</sup> 8 U.S.C. § 1421, et. seq.

<sup>6</sup> 8 C.F.R. § 94.

<sup>7</sup> *United States v. Windsor*, 570 U.S. \_\_\_\_ (2013).

Sincerely,

A handwritten signature in black ink, appearing to read 'Gabriel Blau', enclosed within a light gray rectangular border.

Gabriel Blau  
Executive Director  
Family Equality Council



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