Catholic Charities, Office of Migration and Refugee Services
St. Augustine Towers, 7800 Detroit Avenue, Cleveland, OH 44102

July 24, 2015

OMB USCIS Desk Officer
Submitted via email to: oira_submission@omb.eop.gov.

Re: Comments to proposed I-485, Application to Register Permanent Residence or Adjust Status

- **Agency name:** U.S. Citizenship and Immigration Services, Department of Homeland Security.
- **OMB Control Number:** 1615-0023.

Catholic Charities Diocese of Cleveland's Migration and Refugee Services Program submits the following comments for consideration. These comments were prepared by the Immigration Legal Services department of Migration and Refugee Services. Immigration Legal Services is a nonprofit legal service provider with both attorneys and BIA accredited paralegals on staff. Immigration Legal Services exclusively addresses the immigration legal needs of refugees and immigrants in the community. Immigration Legal Services assists approximately 300 refugees and 50 other individuals with the completion of the I-485 each year. We appreciate the opportunity to submit comments for consideration and we feel that our experience assisting low income and marginalized individuals makes us particularly qualified to offer insight on how our clients, or a pro se individual, may perceive this form.

Summary Responses to the requested points of feedback are listed below:

Please see a more detailed response below

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
   - Some of the proposed updates to the I-485, Application to Register Permanent Residence are not necessary for the proper performance of the functions of the agency and are borderline infringing upon an individual's legal right to apply for permanent residence. Some of these changes are overreaching, ask for speculative information, or irrelevant to eligibility to adjust status. These problematic questions may constructively prohibit otherwise qualifying immigrants from applying for or obtaining the desired status because they do not know how to answer, or they are afraid to answer, the questions presented.

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
   - We have no feedback in this area.

(3) Enhance the quality, utility, and clarity of the information to be collected; and

- Some of the questions call for speculation on the part of the applicant and, thus, will yield inconsistent or incorrect answers which will in turn will impact the agency's ability to process applications

- The language used in some questions as well as some references to sections of the INA will not have meaning for the pro se applicant as most are not lawyers or well versed in legal terminology. Vague, over broad, and/or complicated language will specifically affect low income individuals, who do not have access to an attorney, from completing the form and providing correct responses. This could cause processing delays for the agency. In general, more simplistic language should be used and vague or over broad questions should be clarified or eliminated.

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses).

- See discussion of questions containing vague, over broad, or complicated language above and below. These kinds of questions put a burden on pro se applicants who do not understand what is being asked. It also puts an undue burden on non-profit preparers who have to take additional time to explain questions that are poorly worded. The applicants and preparers may not understand the meaning of the question due to the poor construction.

- Much of the information required is redundant with the information requested on the G-325A, which applicants are often required to submit with the I-485. Will the changes to the I-485 eliminate the need for the G-325A?

Detailed Responses to individual parts of the proposed form are listed below:

- Part 2, Question 4:
    - How will the individual know if they are a derivative applicant? Most clients we work with have no concept that there is a difference between derivative and principal. Most of our refugee families who came to the United States at the same time do not know who the principal applicant is within their family. While those clients who have the assistance of an attorney may be able to figure this out, pro se clients will likely not be able to figure this out.
    - USCIS should already have information about what derivative cases are linked to what principal applicant cases and should not need to rely on the applicant to relay this information.
    - **Suggestion:** Eliminate this section.
- Part 3, Question 1:

    - The term “immigrant visa” is a legal term of art that many applicants will not understand. Most of our clients will not understand the difference between immigrant visa or nonimmigrant visa.
    - USCIS should already have access to this information and should not need to rely on the applicant to relay this information.
    - **Suggestion:** Eliminate this section.
- Part 4, Questions 1 and 2:
    - Current city and town of residence for parents is not necessary for the approval of this form.
    - **Suggestion:** These questions should be eliminated.
- Part 6, Question 1:
    - “Please include the total number of children you have” can be interpreted as including deceased children.
    - **Suggestion:** If deceased children are not to be included the note following the question should explicitly say “do not include deceased children.”
- Part 8, instruction for items 2-68:
    - The instruction states “answering “yes” does not necessarily mean you are ineligible to adjust status or register lawful permanent residence”. If your response does not make you ineligible, then the question is not relevant. Only questions pertaining to eligibility should be asked on this form. What will the agency do with information that is reported on this form but not needed to determine eligibility? These additional questions that are not relevant to eligibility may discourage individuals from submitting the application.
    - **Suggestion:** Eliminate any questions where the answers do not provide information for eligibility for adjustment.
- Part 8, options for response to questions 2-68:
    - The only options for response are “yes” or “no” but many times the accurate answer is unknown or unsure. Having only options for “yes” or “no” forces individuals to make a choice when they are not actually sure about the response.
    - **Suggestion:** Provide a third box for unknown/unsure that would prompt the applicant to explain what occurred without locking them into a yes or no response.
- Part 8, Question 13:
    - The question, “Have you ever used any illegal drugs” is too vague. Is this question referring to drugs that are Illegal according to the federal government of the United States? Illegal according to the state you are living in? Illegal in the country you lived in before coming to the United States? The word illegal is problematic. Not all “illegal” drugs result in inadmissibility or deportability. The question should be limited to controlled substances relevant to eligibility for the adjustment of status.
    - The phrase, “abused any legal drugs?” is vague and not relevant. Who determines what is meant by “abused”? Convicted of drug abuse? Determined by a medical doctor?
    - **Suggestion:** Eliminate the question.
- Part 8, Questions 15 and 16:
    - The question, “have you ever committed a crime of any kind?” is both too vague and not relevant to the purpose of this form. Not all crimes result in inadmissibility or deportability and thus are not relevant to the benefit sought on the I-485.
    - What about crimes committed as a juvenile? Most juvenile offenses would not be relevant to this determination. Many juvenile offenses are automatically sealed.

    - **Suggestion**: Eliminate the question or make it about specific crimes that result in ineligibility for the benefit sought by this form.
- Part 8, Question 19:
    - This question is irrelevant and is overly-broad. A controlled substance violation under the law of any country other than the United States is not relevant to this benefit sought on the I-485. Only federally controlled substances of the United States result in inadmissibility or removability. Also, the question does not specify that you had to be under the jurisdiction of the "law or regulation" when you committed the act and could technically be referring to laws or regulations for a country that you were not in when committing the act.
    - **Suggestion:** Eliminate the question.
- Part 8, Questions 23, 33, 34, 38:
    - These questions do not relate to a ground of inadmissibility or deportability for the applicant. Therefore, the information collected is not relevant and this question should be eliminated.
    - **Suggestion:** Eliminate these questions.
- Part 8, question 35 C:
    - This question is very vague. It is not clear what timeframe, what countries laws, or what topic it even relates to. Also, many other questions are already asked regarding unlawful activity and this particular question seems redundant.
    - **Suggestion:** Eliminate this question.
- Part 8, Question 43:
    - This question does not relate to a ground of inadmissibility or deportability. Therefore, the information collected is not relevant and this question should be eliminated. Furthermore, for an applicant to answer if their actions "could have potentially adverse foreign policy consequences for the United States" requires them to speculate. Finally, most of our clients would not understand the terminology "adverse foreign policy consequence".
    - **Suggestion:** Eliminate this question
- Part 8, Question 47 C:
    - This question does not relate to a ground of inadmissibility or deportability. Therefore, the information collected is not relevant and this question should be eliminated. Furthermore, the use of the terms "foreign relations or economic interests of the United States" is very broad and could be interpreted in many different ways.
    - **Suggestion:** Eliminate this question
- Part 8, Question 51:
    - For an applicant to answer "Are you likely to receive public assistance in the future?" would be speculative. I would find it difficult to ever advise my client to answer yes to this question because they could not possibly know what may happen in the future. Additionally, the only relevant inquiry into public benefits would be those for case that have already been received or are currently received.
    - **Suggestion:** Eliminate this question.
- Part 8, Question 65:
    - Applicants will not know what INA section 232(c) contains.
    - **Suggestion:** Rephrase the question to define what INA section 232(c) states.
- Part 10, Questions 3-5 on page 15 and 3-5 on page 16:

- Pages 15 and 16 have questions 3-5 listed repetitively on both pages.
- **Suggestion:** Eliminate one set of the questions.

We again thank you for the opportunity to comment on the proposed form and would welcome you to contact us by phone or email if we can be of any assistance as you review our comments.

Sincerely,

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