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May 31, 2016
United States Citizenship and Immigration Services
Department of Homeland Security
Attention: 81 FR 18636

Dear Sir/Madam:

We are pleased to have the opportunity to comment on the I-485 Application to Register Permanent Residence or Adjust Status form. A population of particular concern to us is lesbian, gay, bisexual, and transgender (LGBT) immigrants. After the *Windsor* decision, USCIS acted quickly to ensure equal treatment of same-sex couples. We thank USCIS for its work, and ask that USCIS continue in its efforts towards ensuring the equal treatment of LGBT migrants through updating the I-485 form to better reflect the diversity of applicants and families.

We are concerned that expanding the form from 6 pages to 18 pages will make it more difficult for *pro se* applicants to fill out the form. In addition to concerns over the difficulty for a *pro se* applicant to understand and complete the form, we are also concerned that the additional length will increase processing time. Due to the high cost of hiring legal counsel, as well as the fact LGBT people face high rates of poverty, the increased complexity of the proposed I-485 form could make it less accessible for LGBT applicants and applicants who have limited English proficiency.¹

Additionally, given the proposed form's inclusion of new demographic data information in Part 7, we recommend including questions on sexual orientation and gender identity. The form proposes new collection of ethnicity and race information, as well as height, weight, eye, and hair color. Adding questions on sexual orientation and gender identity will provide much needed data that are currently lacking on LGBT immigrants living in the United States and will provide USCIS with information on this community to inform policy decisions that impact them, such as immigrant integration initiatives.

While this information is vital to provide a clearer picture of who is in the U.S., it is also sensitive and potentially stigmatizing. We encourage collection of these data and also strongly encourage the development and implementation of protocols to protect the privacy of applicants. Many studies have been conducted on how to appropriately ask questions on sexual orientation and gender identity and can provide guidance for formulating questions in USCIS forms.²

¹ Center for American Progress, "Paying an Unfair Price: The Financial Penalty for Being LGBT in America," (November 2014) available at <http://www.lgbtmap.org/unfair-price>.

² The Williams Institute, "Best Practices for Asking Questions about Sexual Orientation on Surveys," (November 2009) available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/SMART-FINAL-Nov-2009.pdf>; The Williams Institute, "Gender-Related Measures Overview," (February 2013) available at



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We look forward to working closely with USCIS to address these issues. If you should have any questions regarding these comments, please contact Sharita Gruberg, Senior Policy Analyst, at (202) 745-5463, or by email at sgruberg@americanprogress.org.

Sincerely,

Sharita Gruberg, Senior Policy Analyst
Center for American Progress

<http://williamsinstitute.law.ucla.edu/wp-content/uploads/GenIUSS-Gender-related-Question-Overview.pdf>

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