

**From:** Sr. Maria Gemma [mailto:smariagemma@sistersofmary.org]

**Sent:** Friday, May 27, 2016 2:14 PM

**To:** USCIS FR Comment <USCISFRComment@uscis.dhs.gov>

**Subject:** OMB Control Number 1615-0023, Docket ID USCIS-2009-0020 Comments on proposed changes to Form I-485 to adjust status to LPR

Dear USCIS,

I am a religious sister in a Roman Catholic community of Sisters whose non-US citizen members use Form I-485 after the community has obtained permission from USCIS via Form I-360 to employ Religious Sisters as special immigrant Religious Workers in the EB-4 category who have a religious vocation to our community. I have reviewed the proposed changes to the Form, instructions and supplement forms. I have a few general and specific comments about the form, instructions and supplemental form J. I hope the time I've taken to read, reflect and comment is helpful to you in some way.

In general:

- The form length has increased substantially (not only due to the inclusion of the questions ordinarily asked on Form G-325A but in general)
- The instructions are way more lengthy, are not necessarily written more understandably and will be cumbersome for individuals, particularly those for whom English is not their first language
- The wording on the forms read in a much more cumbersome way and will cause more misunderstandings than clarifications (however, I understand that you are seeking for greater clarity in the answers)
- Since the I-485 is an application for the alien to adjust status, it is more appropriate that the statements to be completed are written in 1<sup>st</sup> person singular instead of 2<sup>nd</sup> person declarative. (i.e. "I am applying to adjust status..." instead of the proposed "You are apply to adjust status..."). I realize that the current Form I-485 has both tenses in use. It is clearer and easier to understand and attest in 1<sup>st</sup> person singular.

Specific comments:

Form I-485

- I recommend you do not incorporate the elements of G-325A into the form (pp. 4-6) but leave it separate as it is now
- Page 8, Part 7 – why is it necessary to ask for such detailed biographic information (height, weight, hair color) – some of these elements are changeable, and with the amount of time it takes to process the forms by the time an alien would be summoned for an interview they could change, such as weight or hair color – would that be taken into consideration by the interviewing officer, since the attestation of truth of fact and penalties for not attesting truth is written out much more strictly? Just a thought.
- Why is it necessary to have such detailed information about number of marriages, former spouses names, family members, etc. – is this to prevent supplemental claims for potentially non-eligible family members??
- Page 18, Part 14 – will an interview be compulsory for every application to adjust status? If so, this will increase already long processing and wait times.

Supplemental Form J (Employment offer verification)

Part 2, # 7-10

Please add "or I-360" after I-140, as there are a number of special immigrant categories (special immigrant religious workers) that must file an I-360 instead of an I-140; the exclusion of which will cause confusion.

Part 5, #6 Wages

Is it possible to add a box to indicate that the position is to be remunerated without a specific wage, as it is in Form I-360 with the supplements for special immigrant Religious Workers? For religious Sisters, according to Canon Law and our vow of poverty we are not paid a direct wage, but the community is obliged to provide for ALL the material & other needs of the Sister so that she does not become a public charge. Indicating this fact might be accomplished by making a check box and then providing space in the additional comments section.

Part 5, # 8 A. & B.

I would add a C. to ask if the previous employment of this alien by this employer was under a different status. For Special Religious Workers, the Sisters in question must have been employed in R-1 non-immigrant status in order to apply for permission via the I-360 and then to adjust status. For some students who are eligible for post-graduation Optional Practical Training while still holding an I-20 on F-1 student status the OPT might also prompt a permanent job offer. You could also just put a line stating that if this employer already employs this employee under a different status to simply note it in the supplemental comments section.

Part 7, #7 Preparer's Statement

I think it is good that you've added A to include the possibility of someone other than an attorney or accredited representative assisting with the completion of the form.

I hope my comments were clear – please feel free to contact me if any of them were not. I understand what a cumbersome task it is to try to write forms so that they are clear, concise and will gather the data you intend them to gather.

Thank you for your consideration.

Sister Maria Gemma Martek, OP  
Dominican Sisters of Mary, Mother of the Eucharist