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Jerry L. Rigdon,  
Acting Chief, Regulatory Coordination Division,  
Office of Policy and Strategy,  
U.S. Citizenship and Immigration Services,  
Department of Homeland Security

**Re: Information Collection Activities; New Collection: Generic Clearance for the Collection of Certain Information on Immigration Forms, Office of Management and Budget (OMB) Control Number 1615-NEW; United States Citizenship and Immigration Services, Docket ID USCIS-2025-0002**

Dear Acting Chief Rigdon:

The National Immigration Project of the National Lawyers Guild (National Immigration Project)<sup>1</sup> submits the following comment in response to the U.S. Citizenship and Immigration Services (USCIS) request for comment on the Information Collection Activities; New Collection: Generic Clearance for the Collection of Certain Information on Immigration Forms (Expanded Family Information Collection) Notice of Proposed Rulemaking (NPRM) published in the Federal Register on March 3, 2025, under docket Office of Management and Budget (OMB) Control Number 1615-NEW; United States Citizenship and Immigration Services, Docket ID USCIS-2025-0002.

The National Immigration Project strongly opposes this rule which would vastly increase information collected about USCIS applicants' family members, who in most instances, have nothing to do with the applicant's application. The proposed information collection is unlawfully broad, collects information that is not relevant to the adjudication of the applications, and will burden both noncitizens and USCIS. This extraordinary and unnecessary expansion of data collected will require noncitizens, their counsel, and USCIS officers to expend considerably greater resources on completing forms, thereby costing money to applicants and the government, and significantly increasing USCIS backlogs.

The National Immigration Project is a national nonprofit membership organization that provides support, referrals, and legal and technical assistance to attorneys, community organizations, families, and advocates seeking to advance the rights of noncitizens. The National Immigration

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<sup>1</sup> The author of this comment is National Immigration Project supervising attorney, Victoria Neilson with input from National Immigration Project director of legal support and training, Michelle N. Méndez.

Project focuses especially on the immigration consequences of criminal convictions, and its mission is to fight for justice and fairness for noncitizens who have contact with the criminal legal system. Additionally, we fight for fairness and transparency in immigration adjudication systems and believe that all noncitizens should be afforded the right to fair adjudications of their claims to remain in the United States. The National Immigration Project strongly opposes the U.S. government's efforts to collect information about extended family members that is not legally relevant to the forms being adjudicated and that, instead, forces noncitizens to expose family members who are in no way connected to these applications to the invasive scrutiny of the U.S. federal government.

The NPRM seeks the answer to four questions. This comment will address each of those questions in turn as well as provide additional comments.

**1. The Expanded Family Information Collection is not only unnecessary for the proper performance of the functions of the agency, it is unlawful because it violates the “practical utility” standard set forth at 5 CFR § 1320.3.**

One of the many problems with this Expanded Family Information Collection NPRM is that it seeks comment on the effects of this additional data collection on multiple forms simultaneously, rather than seeking a comment on changes to each form. Specifically, the NPRM will add data collection to forms: Form N-400, Application for Naturalization; Form I-131, Application for Travel Document; Form I-192, Application for Advance Permission to Enter as a Nonimmigrant; Form I-485, Application to Register Permanent Residence or Adjust status; Form I-589, Application for Asylum and for Withholding of Removal; Form I-590, Registration for Classification as Refugee; Form I-730, Refugee/Asylee Relative Petition; Form I-751, Petition to Remove Conditions on Residence; and Form I-829, Petition by Entrepreneur to Remove Conditions on Permanent Resident Status.<sup>2</sup> The purpose of each of these forms is so different that it is difficult to comment about to which forms, if any, the data being collected may bear any relevance.

The Expanded Family Information Collection NPRM first lists biographical information that is already routinely collected on USCIS forms, numbered as items 1-8. This biographical information includes basic data such as name, address, date of birth and country of citizenship of the applicant.<sup>3</sup> It is not clear why USCIS is including the information in questions 1-8 in this NPRM when the information is already collected. The 8th subject of data to be collected is passport information. For some categories of forms listed above, such as asylum (I-589), refugee (I-590), and asylee/refugee derivatives (I-730), it is possible that the noncitizen will not have a passport. Any instructions related to these forms should explain that the applicant is not required to have a passport from their country of origin. Indeed, depending on the nature of an asylum seeker or refugee's claim, seeking a passport from their government could put them at risk of harm. Furthermore, DHS has inadvertently leaked data in the past, and there is no guarantee that

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<sup>2</sup> 90 Federal Register 11054, 11055-56 (Mar. 3, 2025) <https://www.govinfo.gov/content/pkg/FR-2025-03-03/pdf/2025-03436.pdf>

<sup>3</sup> *Id.* at 11055.

further data breaches will not occur in the future.<sup>4</sup> It is not proper to collect comments on forms that serve such different purposes and have such different legal standards.

The new information collection—questions 9-24—seeks information that is irrelevant to the adjudication of these forms. Questions 9-10 require the noncitizen to list “9. Telephone Number(s) used in the last five (5) years, including dates used [and] 10. Email address(es) used in the last ten (10) years.”<sup>5</sup> The NPRM does not explain what USCIS plans to do with this information, spanning as long as a decade but the mere collection of previously used phone numbers and email addresses raises the specter of the federal government conducting invasive searches into an applicant’s past communications. Most invasive of all, are questions 15-24 which will allow the government to go on fishing expeditions to seek derogatory information about applicants or their family members, even when those family members are not part of the application.

Requesting extensive data on extended family members has no practical utility and thus violates the Administrative Procedure Act (APA).

5 CFR § 1320.3(l) defines “practical utility” as follows:

the actual, not merely the theoretical or potential, usefulness of information to or for an agency, taking into account its accuracy, validity, adequacy, and reliability, and the agency’s ability to process the information it collects (or a person’s ability to receive and process that which is disclosed, in the case of a third-party or public disclosure) in a useful and timely fashion. In determining whether information will have “practical utility,” OMB will take into account whether the agency demonstrates actual timely use for the information either to carry out its functions or make it available to third-parties or the public, either directly or by means of a third-party or public posting, notification, labeling, or similar disclosure requirement, for the use of persons who have an interest in entities or transactions over which the agency has jurisdiction. In the case of recordkeeping requirements or general purpose statistics (see § 1320.3(c)(3)), “practical utility” means that actual uses can be demonstrated.

The information USCIS would collect through this Expanded Family Information Collection clearly fails the “practical utility” test. The Expanded Family Information Collection would require applicants for nine different forms of relief or benefits to provide information about their “parent, spouse, siblings, and children,” even on forms where none of these family members could derive any benefit. The forms do not provide any exception for family members who are dead, estranged, or for potentially more distant family members such as half-siblings, step-siblings, or step-parents. The forms require the applicant to include the following information for these family members which, for some applicants, could be well over a dozen people: names; telephone numbers for the last five years (including beginning and end date of use for each telephone number); date of birth; place of birth; residence (including full street address).<sup>6</sup>

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<sup>4</sup> Immigration and Customs Enforcement, Unintentional Disclosures of Personally Identifiable Information on November 28 and December 7, 2022, (updated January 24, 2025) <https://www.ice.gov/pii>.

<sup>5</sup> 90 Fed. Reg. at 11055.

<sup>6</sup> *Id.*

It is difficult to imagine how USCIS could use information such as a half-sibling's cell phone number that was used five years prior, to draw any kind of conclusion about an applicant's eligibility for a benefit such as naturalization or removing the condition on a marriage-based lawful permanent resident card. The only justification in the NPRM is that the data are used by USCIS to "(3) to, internally and with screening partners, help confirm or disprove an association between an applicant and information of interest, and the strength of that association in the context of the underlying information."<sup>7</sup> However, this language is so vague and confusing as to fail to give the public notice of the agency's actual intent in collecting the information. Even if there is any practical utility in contacting these family members, this NPRM assumes that every noncitizen's family member has relevant and material information to share with the government. But family relationships are complex and differ from person to person. For noncitizens who have suffered abuse or domestic violence, having the U.S. government contact family members could put the applicant at risk of further harm.

The requirement for USCIS applicants to supply both their own, telephone numbers and email addresses for 5 and 10 years respectively, and their and family members' telephone numbers for five years, raises the specter of the federal government engaging in unauthorized searches of phone records or internet communications of individuals with no connection to the application before the agency. This extraordinary and Orwellian intrusion into the lives of noncitizen applicants for benefits and their family members (many of whom will undoubtedly be U.S. citizens, and others of whom will reside in foreign countries and may have little or no contact with the applicant) is purportedly justified by Executive Order 14161, "Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats."<sup>8</sup> The NPRM claims that the Expanded Family Information Collection "*is necessary* to comply with section 2 of the E.O. to establish screening and vetting standards and procedures to enable USCIS to assess an alien's eligibility to receive an immigration related benefit from USCIS." [Emphasis added.]<sup>9</sup> However, an Executive Order is merely a policy statement issued by the president; it cannot supersede existing regulations and the Expanded Family Information Collection directly conflicts with 5 CFR § 1320.3(*l*) because it collects information that has no reasonable practical utility.

## **2. The Expanded Family Information Collection will create an extraordinary burden on noncitizens, their counsel, and the agency and the burden estimate in this NPRM is grossly undercalculated.**

The Expanded Family Information Collection will create an extraordinary burden on noncitizens, their counsel, and USCIS. The added information listed in the NPRM will increase the length of each form by 6-10 pages each. Incredibly, the NPRM claims that these 24 questions will add from .73 to 1.27 hours to completing the form; for most forms the estimate is .77 hours, or just over 45 minutes.<sup>10</sup> While some data points, like the applicant's own name, will obviously not

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<sup>7</sup> *Id.*

<sup>8</sup> White House, Executive Order 14161, Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats (Jan. 20, 2025) <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-united-states-from-foreign-terrorists-and-othernational-security-and-public-safety-threats/>

<sup>9</sup> 90 Fed. Reg. at 11055.

<sup>10</sup> *Id.* at 11056.

take much time, the new, expanded collection on family members could take hours. Worse, it may take days or weeks for the noncitizen to contact distant relatives in farflung locations to ascertain the answers to questions such as the noncitizen's sibling's address from four years in the past, or the dates of usage of a parent's prior cell phone number. Rather than the applicant being able to sit down and complete the form, potentially in one sitting, they will likely have to conduct research on their own prior information and that of multiple family members in order to complete every question.

While the NPRM claims to add and/or seek comments on 24 questions, in fact, the forms will add hundreds of questions. For example, if an applicant is married, has three children, two parents, and four siblings, they would need to provide answers about 11 individuals. There are seven questions that relate to family members, so in this example, there would be an additional 77 questions that the applicant would have to answer. Some of the questions span 5 years, and some questions could have more than one answer per year. Thus this hypothetical applicant would likely have more than 100 extra answers to complete, often with information that they would not have readily at hand. If the applicant is not in contact with a sibling, or if their parents are deceased, it may take the applicant days or weeks to find the answers. They might have to try to contact other extended family or hire counsel to search public records in their country of origin. This process will undoubtedly cause the noncitizen to delay filing the application and, with regard to applications with a deadline, the delay may be prejudicial.

This burden on the public clearly violates 5 CFR § 1320.9(c) which requires agencies to “[r]educ[e] to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency.” In fact, it seems that one purpose of these expansive additional questions is to make it harder for noncitizens to complete the forms. The asylum application form, I-589, must be filed within one year of entry into the United States. If an asylum seeker tries to complete the form shortly before its due date, these additional questions may cause them to miss the filing deadline because they cannot get in contact with distant relatives in a timely manner.

Furthermore, noncitizens commonly complete some of these forms, such as the asylum application (I-589) and the application for naturalization (N-400), in group, legal clinic settings, in which volunteers complete applications in a one-time meeting with the noncitizen. As the need for legal representation has outpaced the supply of free or low-cost legal service providers, it has become more common for legal advocates to provide assistance in group settings. Moreover, by statute asylum seekers cannot obtain employment authorization until their I-589 has been pending for over 180 days,<sup>11</sup> making it particularly difficult for asylum seekers to pay for counsel before they have filed their I-589 form. The addition of these questions will gut the ability of legal service providers to provide assistance in clinics because most noncitizens seeking to complete these questions will not have the answers with them. They would then have to make a follow up appointment to complete the forms in the future, or try to navigate the form on their own, undermining the purpose of the clinic and the noncitizen's right to counsel.

Even though the hours stated in the NPRM are a gross under-estimation of the hours it will actually take noncitizens to complete these answers, the NPRM states that the additional data

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<sup>11</sup> INA § 208(d)(2).

collection will add a total of 2,750,064 hours to the public burden.<sup>12</sup> Incredibly, even while USCIS acknowledges that the additional questions will add nearly 3 million hours of time to the public burden, it estimates the economic cost of the added questions and the time it takes to complete them at \$0. As described above, the additional questions will add many hours for the noncitizen to complete each form. As a result, these additional questions unequivocally will cost the public money. Noncitizens who are able to afford counsel will have to pay for additional time with their representative. Noncitizens will lose time from work that they will have to spend on gathering information to complete the forms. And pro bono counsel will be forced to devote time to ensuring every component of the form is completed accurately prior to submission.

Moreover, as each form increases in length by six or more pages, USCIS officers will be required to devote more time to reviewing each form. That added time means either that USCIS would have to hire more officers or that the USCIS application backlogs will grow. Since USCIS is primarily a fee-funded agency, the more time each officer spends on a form, the more money the agency may seek to charge for the form. On the other hand, if USCIS does not add more officers to its workforce, the added time it will take to adjudicate each form will lead to longer backlogs, meaning that more noncitizens will have longer to wait to have their own applications for benefits approved.

As there are more questions, especially questions like these additions which the noncitizen likely will not have the information at hand, it is likely that more forms will be filed with incomplete answers, leading to more Requests for Evidence (RFEs) and further delays. These delays will further burden the public as noncitizens wait additional time for their applications to be approved, U.S. citizens wait for family members to be granted lawful status, and noncitizens and their loved ones must fear the possibility of deportation as they wait longer and longer to legalize their status.

Furthermore, many of the additional questions appear designed for the Fraud Detection and National Security Directorate (FDNS) to investigate both the noncitizen and their family members. These investigations also will add more time to the adjudication of the applications and will add to the costs of the adjudication. In short the costs of the additional questions are astronomical and the NPRM should be rescinded for its utter failure to attempt to calculate those costs.

**3. There is no reason to “enhance the quality, utility, and clarity of the information to be collected” when there is no justification to collect this information from family members at all.**

As described at length above, there is no justification for USCIS to collect this extraordinary amount of information from family members who are not sponsors or beneficiaries of the applications. Many of the questions directly violate the Privacy Act of 1974, codified at 5 U.S.C. § 552a which prohibits the U.S. government from collecting and maintaining certain personal information on individuals. With these questions, relatives who may have no contact with the noncitizen submitting a USCIS application, and who may be U.S. citizens or lawful permanent residents, will have significant personal information, including telephone numbers and prior

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<sup>12</sup> 90 Fed. Reg. at 11056.

addresses, kept on file with USCIS. Many of these individuals are in foreign countries and have no reason to believe that the U.S. federal government is searching their personal data or creating files on them. The NPRM says that this data will be used “internally and with screening partners”<sup>13</sup> but provides no information about who those screening partners may be, raising the likelihood that the information sharing will violate the Privacy Act. Moreover, for asylum seekers, if those “screening partners” are in the country of origin, inquiries made by the U.S. government may put the family members in harm’s way or increase the harm to the asylum seeker if they are ordered removed.

The NPRM does not explain what it plans to do with the data it collects, how it plans to store it, how long it plans to store it, or under what circumstances the data will be disclosed through Freedom of Information Act requests. The only justifications given in the NPRM are that the information might help confirm the applicant’s identity and, as discussed above, that the information will “help confirm or disprove an association between an applicant and information of interest,”<sup>14</sup> a statement that is so vague as to be essentially meaningless.

#### **4. The Expanded Family Information Collection cannot be made less burdensome through technological approaches.**

The fourth question posed in the NPRM appears to be asking whether making each affected form available online would make the Expanded Family Information Collection less burdensome. As discussed above, the most burdensome aspect of completing these forms is not the physical act of putting pen to paper, it is gathering information that is not readily available from family members who may not be easily contacted (or may be dead) to complete forms that have nothing to do with those family members. There are no technological approaches that could salvage this unlawful proposed rule.

If USCIS is posing this question to determine whether USCIS should employ artificial intelligence or other technology to make it easier for the agency to analyze the Expanded Family Information Collection, the answer is a clear no. Already this administration has used artificial intelligence to an unprecedented extent and with unprecedented errors as a result. It was likely artificial intelligence that led to the removal of the aircraft name Enola Gay from Department of Defense websites is almost laughable<sup>15</sup> and it was likely the so-called Department of Government Efficiency (DOGE) that led to the improper emailing of termination notices to immigration attorneys—informing them to leave the country immediately.<sup>16</sup> If USCIS intends to rely on DOGE or otherwise use technology such as artificial intelligence, it is likely to draw erroneous conclusions and deny noncitizens’ applications based on improper use of the technology, which in turn may lead to litigation and added costs to the government.

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<sup>13</sup> *Id.* at 11055

<sup>14</sup> *Id.* at 11055.

<sup>15</sup> Conor Murray, Enola Gay Aircraft—And Other Historic Items—Inaccurately Targeted Under Pentagon’s Anti-DEI Purge, FORBES MAGAZINE, Mar. 7, 2025, <https://www.forbes.com/sites/conormurray/2025/03/07/enola-gay-aircraft-and-other-historic-items-inaccurately-targeted-under-pentagons-anti-dei-purge/>

<sup>16</sup> Dara Lind, The Government Is Mass-Emailing People Telling Them To ‘Leave the United States’ Within 7 Days. It’s A Mess, And It Might Be DOGE’s Fault, Immigration Impact, Apr. 17, 2025, <https://immigrationimpact.com/2025/04/17/trump-email-migrants-leave-seven-days/>.

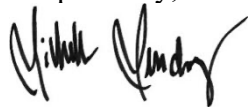
**5. In addition to the questions raised in the NPRM, USCIS should not have issued two overlapping data collection NPRMs simultaneously without taking into account the cumulative burden imposed by the two NPRMs**

In addition to the extraordinary burdens imposed by this Expanded Family Information Collection, USCIS has simultaneously published another NPRM titled “Agency Information Collection Activities; New Collection: Generic Clearance for the Collection of Social Media Identifier(s) on Immigration Forms.”<sup>17</sup> That NPRM addresses the same nine forms as those addressed in this NPRM and requires noncitizens to submit information about all of their social media accounts for five years.<sup>18</sup> Neither that NPRM nor the Expanded Family Information Collection that is the subject of this comment, acknowledges the existence of the other NPRM or how the burden of the two rulemakings will intersect with one another. This simultaneous rulemaking where neither rule takes the other rule into account violates 5 CFR § 1320.9(c), which requires the agency to calculate the increased burden on the noncitizen completing the forms as well as the cost to the public. Both NPRMs violate this regulation by failing to acknowledge the simultaneous rulemaking.

**Conclusion**

In closing, the National Immigration Project strongly opposes this proposed rule and urges USCIS to rescind it in its entirety. Please do not hesitate to contact Michelle N. Méndez at [michelle@nipnlg.org](mailto:michelle@nipnlg.org) if you have any questions or need any further information. Thank you for your consideration.

Respectfully,



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<sup>17</sup> 90 Fed. Reg. 11324 (March 5, 2025) <https://www.govinfo.gov/content/pkg/FR-2025-03-05/pdf/2025-03492.pdf>.

<sup>18</sup> See, for example, the proposed new N-400 form, *See*, N400-021-INS-TOC-SocialMedia-FORReview-03052025 available at <https://www.regulations.gov/document/USCIS-2025-0003-0036>. Notably, the overlapping NPRM itself does not inform the public of the number of years of social media handles the applicant must disclose. 90 Federal Register 11324 (Mar. 5, 2025) <https://www.federalregister.gov/documents/2025/03/05/2025-03492/agency-information-collection-activities-new-collection-generic-clearance-for-the-collection-of>.