Form G-325A Revision - Responses to 60-day FRN Public Comments

Public Comments (regulations.gov): USCIS-2005-0024
60-day FRN Citation (federalregister.gov): 89 FR 30388
Publish Dates: April 23, 2024 – June 24, 2024

Comment #	Comment ID	Comment	USCIS Response
1.		**Commenter: Anonymous**	
	0059	Hi, I have a few comments for clarity and ease of use for the form. Part 1: Q2 – As you are asking for current physical address, the end date range imbedded within the question should state "present" instead of requiring a date. If it's present address how do you have an end date? Q2 & Q3 – Remove Province, Postal Code, and Country from both questions as the instructions say it's only for someone in the US. Q9 – Other USCIS forms have "USCIS Online Account Number (if any)" as a separate question to link to attorney accounts. Can this be added? Q10 – For consistency with other forms, add note that says "NOTE: Provide all other names you have ever used, including your family name at birth, other legal names, nicknames, aliases, and assumed names. If you need extra space to complete this section, please include a separate page." Q11 – Make City and Country of birth two separate data fields - this can get confusing for applicants. Move Country of Citizenship or nationality down so this information is in same sequence. Q13 & 17 – Change heading from Requestor's Father/Mother to "Information About Your Parent 1" and "Information About Your Parent 2" to be consistent with other USCIS forms. Q15 & Q19 – Make City and Country of Birth two separate data fields. Q16 & Q20, Make City and Country of Residence two separate fields; add "(if living)"	**Response:** Thank you for your suggestions. We have incorporated most of the suggestions into the revised form, with the exception of the suggestion detailed in the response below.

		to question in case parent has passed. Q23 – Make City and Country of Birth two separate data fields. Q25 – Make Place of Marriage two separate questions – "Place of Marriage to Current Spouse 25a. City or Town, 25b. State or Province, 25c. Country. for clarity. Q27 – Align questions to mirror I-485 for consistency and ease of use for attorneys: "When I last arrived in the Unietd States, I: _Was inspected at a port of entry and admitted as (for example, exchange visitor; visitor, waived through; temporary worker; student: _____ _ Was inspected at a port of entry and paroled as (for example, humanitarian parole, Cuban parole): _____ _ Came into the United States without Admission or Parole _ Other If you were issued a Form I-94 Arrival-Departure Record Number: Form I-94 Arrival-Departure Record Number_____ Expiration Date of Authorized Stay Shown on Form I-94 (mm/dd/yyyy) _____ Status on Form I-94 (for example, class of admission or paroled, if paroled) _____ What is your current immigration status (if it has changed since your arrival)? _____ Provide your name exactly as it appears on your form I-94 (if any) Family Name (Last Name)____ Given Name (First Name)____ Middle Name _____" For all dates, use consistent formatting and include in italics: MM - DD - YYYY for consistency for reader.	USCIS has incorporated only the following suggestion related to the Form I-94 Arrival-Departure Record Number into the G-325A form. *If you were issued a Form I-94 Arrival-Departure Record Number:* ***15.a.** Form I-94 Arrival-Departure Record Number* ***15.b.** Expiration Date of Authorized Stay Shown on Form I-94 (mm/dd/yyyy)*

		Part 2: Add category for other government referrals as it's currently only limited to labor agencies. Add initial v. renewal requests so it's clear that the applicant is requesting a renewal of their deferred action. Part 3: 2.d. Add instruction stating if additional space is required, add an additional sheet. Alternatively, add another part to the form that allows requestor to provide additional information.	
2.		**Commenter: WhoPoo App**	
	0057	Please build a new holding center for those with immigration detainer holds due to spiraling illegal crime. Two men charged with murder of 12-Year-Old Jocelyn Nungaray held on immigration detainers According to ICE, Franklin Jose Peña Ramos and Johan Jose Rangel Martinez were released on orders of recognizance after being detained by the U.S. Border Patrol.	**Response:** This comment is out of scope for the proposed revision to this information collection.
3.		**Commenter: AFL-CIO**	
	0058 *(see attachment)*	Please find attached for the comment of the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO).	**Response:** See Comment Responses below labeled with Commenter ID: 0058. The information in the attachment from the public comment (0058) was separated into different sections in this comment matrix to address each portion of information individually. **See Comment # 4. – 8.**
4.		**Commenter: AFL-CIO**	
II. DHS's Proposal Allowing Requestors to Apply for EADs Using Form G-325A	0058	A. DHS Should Revise Part 3 to Allow for the Collection of Information Necessary for the Social Security Administration to Issue Social Security Numbers We note that those individuals who have never previously been issued work authorization typically use Form I-765 to request a Social Security Number ("SSN") for the first time (by answering the questions in Part 2, Questions 12 through 17, of that form).	**Response:** Thank you for your suggestion. We have incorporated the suggestion into the revised form.

		In addition to providing information that is necessary for the Social Security Administration ("SSA") to generate a SSN, such as the name of the applicant's mother and father, applicants filling out Form I-765 must expressly consent to the disclosure of the information submitted via the form to the SSA (Question 15). If DHS will be streamlining its EAD application process for LIB-DA requestors via Form G-325A and allowing such requestors to forego filing Form I-765, it is crucial that the agency collect the information required to automatically request a SSN and secure the necessary consent to share information with SSA for the automatic production of a Social Security card *(see footnote 4)*. If Form G-325A fails to include these questions, requestors would have to separately apply for a SSN with the SSA after being granted deferred action, which would be unnecessarily burdensome and contrary to DHS's goals of reducing barriers towards applying. Accordingly, we recommend that DHS reproduce Questions 12 through 17 of Part 2 of Form I-765 in Part 3 of the revised Form G-325A.	
5.		**Commenter: AFL-CIO**	
II. DHS's Proposal Allowing Requestors to Apply for EADs Using Form G-325A	0058	B. DHS Should Waive EAD Filing Fees for LIB-DA Requestors Although Form G-325A allows LIB-DA requestors to forego filing Form I-765, the revised form instructions make clear that DHS continues to expect such requestors to pay the applicable filing fee (currently $520), or apply for a fee waiver via Form I-912. We urge DHS to reconsider this position, which is inconsistent with the agency's approach for employment authorization incident to other benefits implicating law enforcement interests, such a U and T visas, and other humanitarian relief, such as	**Response:** Comments on immigration benefit request fees charged by USCIS, and whether or not requesters are exempted from paying such fees, are out of scope for the proposed revision to this information collection. USCIS most recently provided the public with the opportunity to participate in the setting of immigration benefit request fees through the U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements rule. *See* 89 FR 6194 (Jan. 31, 2024).

		Violence Against Women Act ("VAWA") self-petitions, Special Immigrant Juvenile Status ("SIJS") and asylum, all of which are fee-exempt. DHS must recognize that LIB-DA requestors, by definition, are victims of or witnesses to violations of important federal and state laws and are therefore often—indeed, almost always—economically vulnerable. Requestors' ability to pay the required fee is frequently constrained by the very situations that gave rise to their eligibility for LIB-DA, which include, but are not limited to, wage theft, discriminatory dismissals, and even labor trafficking. Labor agencies need the full participation of all workers who have information about workplace violations to feel empowered to participated in their investigations—not only those who can afford an EAD filing fee. Maintaining a filing fee for this population necessarily dissuades some workers covered by Statements of Interest from applying and therefore undermines the efficacy of the labor investigations of DHS's partner agencies. Additionally, DHS should recognize that—unlike U or T nonimmigrant status—LIB-DA is not a benefit or incentive for an individual who has been helpful with a law enforcement investigation or who was a victim of human trafficking; instead, it is a temporary protection available only to workers whose cooperation is necessary to support a labor agency's ongoing investigation. In other words, time is of the essence—if workers are unable to promptly gather the appropriate fee to apply for an EAD, they will not be able to access the protection that the labor agencies have deemed necessary for them to fully participate in their investigations *(see footnote 5)*. In its recent Final Rule on fees, DHS recognized that fee exemptions are appropriate for	

		applicants who are "particularly vulnerable as victims of abuse . . . because of this victimization, many will lack the financial resources or employment authorization needed to pay for fees related to immigration benefits." U.S. Dep't of Homeland Security, "U.S. Citizenship and Immigration Services fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements," 89 Fed. Reg. 6194, 6267 (Jan. 31, 2024). On this basis, DHS stated that it "believes that replacing fee waivers with additional fee exemptions removes barriers for applicants who are similarly situated in terms of financial resources and employment prospects." *Id.* at 6268. Indeed, DHS reached this conclusion even for U nonimmigrants who may maintain employment authorization for a long period of time, recognizing that "the impact of victimization can be lasting and far-reaching, even after the events giving rise to U nonimmigrant status eligibility have concluded." *Id.* at 6269. Because LIB-DA requestors are similarly victimized but enjoy far shorter periods of work authorization, the argument for exempting them from fee payment is arguably even stronger than for U and T nonimmigrants *(see footnote 6)*.	
6.		**Commenter: AFL-CIO**	
III. Reducing Burden and Collection of Unnecessary Biographic Information	0058	In determining which information to collect on Form G-325A, the AFL-CIO urges DHS to consider the following factors. First, DHS should avoid collecting extraneous information that is unnecessary to prove identity or nationality, eligibility for the type of deferred action requested, or its case-by-case exercise of discretion. Second, DHS should take into consideration the unique characteristics of the population applying for LIB-DA. In this vein, we strongly encourage DHS to eliminate or modify Questions 26 and 28 in Part 1 of the proposed revised Form G-325A, which asks requestors to provide their previous addresses and employers for the last	**Response:** USCIS has considered your comment and removed the employment history section from Form G-325A; we will not make any other recommended changes. USCIS notes that, in addition to those requesting deferred action based on their participating in labor-based enforcement action, Form G-325A will be used for all initial and subsequent requests for deferred action, other than deferred action related to DACA, Violence Against Women Act self-petitions, and A-3, G-5, T, and U nonimmigrant status. Deferred action is a discretionary determination to defer removal of a noncitizen as an act of prosecutorial discretion, and each decision,

		five years *(see footnote 7)*. We recommend that Question 26 be eliminated entirely, insofar as Questions 2 and 3 already ask requestors to provide their current physical and mailing addresses, while Question 28 be modified to ask requestors to provide information about their employer listed in the Statement of Interest only *(see footnote 8)*. There are three reasons for this recommendation. First, collecting information about prior addresses or employers unrelated to the Statement of Interest appears to be wholly extraneous to the LIB-DA application. To our knowledge, DHS has not relied on prior address or employment history to make a positive or negative discretionary assessment in any deferred action case, nor is it clear how or why it might do so. To the extent that an individual requestor wishes to provide evidence of other employment history as a favorable equity, they are free to do so, insofar as the application does not limit them from submitting any form of evidence. Nor does this information appear relevant in establishing the identity of the requestor, which is far more readily established by requiring the submission of identity documents and biometric checks. Second, the collection of this information is burdensome for workers and the labor rights advocates who support them through the LIB-DA process. In our experience, noncitizen workers who lack employment authorization often work numerous informal or short-term jobs, which are difficult to account for over a five-year period. This is particularly true in the construction and building trades, where short-term projects and frequent turnover are the norm regardless of immigration status. Many of the cases that we have supported with our affiliates arise from this industry, and reconstructing an employment history for the purpose of the current Form	whether it is an initial or subsequent request, is made on a case-by case basis. The information being collected by the Form G-325A is necessary for DHS to assess whether the person requesting deferred action has demonstrated that they warrant a favorable exercise of discretion with respect to the request before USCIS.

		G-325A is often a tedious and time-consuming process. We also urge DHS to take into consideration the underlying purpose of LIB-DA and the unique structure of the program. A Statement of Interest is coterminous with a labor agency's interest in a given labor investigation or enforcement action, and typically covers all workers who are potential victims of or witnesses to the labor law violation alleged. In order for LIB-DA to meet the labor agency's investigatory and enforcement interests, it must be applied for and granted quickly, so that the workers the labor agency needs are able to fully participate at all stages of the investigation. These factors often put labor unions, workers' centers, and other workers' rights advocacy groups—all organizations that typically do not have immigration attorneys on staff—in the position of assisting in the filing of significant numbers of LIB-DA applications over a truncated period of time. This differs markedly from other victim-oriented benefits applications, such as VAWA, U and T visas, which are typically applied for by an individual applicant with the assistance of an immigration attorney, and are not subject to the time pressure of supporting an ongoing investigation. While some of our affiliates have referred workers to immigration attorneys or otherwise provided them with counsel, the resource constraints in doing so are significant, especially when a Statement of Interest relates to a broad investigation that implicates a large number of workers. To meet this need, we have supported many affiliates and their local unions in organizing events on a clinic model, which allow workers to request LIB-DA *pro se* with the aid of non-attorney preparers under attorney supervision. The reports from such clinics are consistent: the questions concerning 5 years of employment and address history consume	

		an inordinate and disproportionate period of time and reduce the number of workers that each preparer can assist, thereby limiting the efficacy of DHS's efforts to support its labor agency partners. Third, given the temporary nature of LIB-DA relief, which currently limits initial grants to 2 years, requesting extensive information about prior employment and addresses has a chilling effect on certain workers' willingness to apply for the program. Even when assured that the Administration's enforcement priorities would preclude such targeting, some workers fear that noncitizen family members or acquaintances living at past addresses might be singled out for DHS enforcement, that prior employers might be questioned or subject to an audit for employing unauthorized workers, or that they themselves might suffer adverse consequences for disclosing unauthorized work *(see footnote 9)*. Accordingly, given that this information would appear to be of exceedingly limited value to DHS, that its collection is burdensome for the LIB-DA requestor population, and that it tends to have a chilling effect on workers otherwise eligible to request LIB-DA, we encourage DHS to eliminate or modify Questions 26 and 28 in Part 1 of the proposed revised Form G-325A.	
7.		**Commenter: AFL-CIO**	
IV. Simplified Form for Renewals or Subsequent Grants of LIB-DA	0058	DHS has recently issued guidance on subsequent requests of LIB-DA beyond the initial 2-year grant period, which can be requested on the basis of an updated labor agency Statement of Interest. According to the DHS Frequently Asked Questions ("FAQs") on the subject, noncitizens requesting such grants must submit, among other documentation, a fully completed Form G-325A *(see footnote 10)*. We believe that for subsequent or renewed grants of LIB-DA, this is duplicative, and encourage DHS to consider instituting a	**Response:** USCIS has considered your comment and removed the employment history section from Form G-325A; we will not make any other recommended changes. USCIS notes that, in addition to those requesting deferred action based on their participating in labor-based enforcement action, Form G-325A will be used for all initial and subsequent requests for deferred action, other than deferred action related to DACA, Violence Against Women Act self-

		simple renewal form that omits questions about biographic information that is already in DHS's possession. Specifically, such a simple renewal form could retain Part 1, Questions 1 through 9, and Parts 2 through 5, but omit Part 1, Questions 10-28. Questions 1 through 9 identify the requestor's current address and contact information, and provide basic biographic information necessary for identification purposes. Questions 10-28, in contrast, request information about the requestor's family, employment, and mode of entry that would already be within DHS's possession based on the initial approved request for LIB-DA. Accordingly, the collection of such information is burdensome and would unnecessarily tax the resources of labor unions and other workers' organizations that are supporting labor agency investigations and enforcement actions *(see footnote 11)*.	petitions, and A-3, G-5, T, and U nonimmigrant status. Deferred action is a discretionary determination to defer removal of a noncitizen as an act of prosecutorial discretion, and each decision, whether it is an initial or subsequent request, is made on a case-by case basis. The information being collected by the Form G-325A is necessary for DHS to assess whether the person requesting deferred action has demonstrated that they warrant a favorable exercise of discretion with respect to the request before USCIS.
8.		**Commenter: AFL-CIO**	
V. Requested Clarifications	0058	Finally, the AFL-CIO requests that DHS clarify the role of Part 2, Question 8, which requests a brief statement as to why the request for deferred action should be considered and why the requestor warrants deferral of removal as a matter of discretion. We do not oppose the inclusion of this question, but observe that currently, DHS instructs LIB-DA requestors to submit "a written request signed by the noncitizen stating the basis for the deferred action request." We recommend that DHS expressly clarify on its webpage and/or in the form instructions that the submission of a signed Form G-325A with an articulated basis for a grant of LIB-DA satisfies the requirement for a "written request signed by the noncitizen," and refrain from requiring an additional separate statement, as this would be duplicative.	**Response:** Thank you for your suggestion. Through this revision, the form instructions have removed the requirement for a signed written request by the noncitizen stating the basis for the deferred action request. This field replaces the need for a separate signed written statement.

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9.		**Commenter: Mary Yanik**	
	0061 *(see attachment)*	See attached file	**Response:** See Comment Responses below labeled with Commenter ID: 0061. The information in the attachment from the public comment (0061) was separated into different sections in this comment matrix to address each portion of information individually. **See Comment # 10. – 12.**
10.		**Commenter: Mary Yanik**	
	0061	The proposed revisions to the G-325A also aim to include the written request from the deferred action applicant as part of the G-325A. I suggest first that this requirement be eliminated entirely from deferred action applications. Even though this requirement is included in DHS's Frequently Asked Questions on DHS Support for the Enforcement of Labor and Employment Laws *(see footnote 3)*, it is a source of great confusion in the field. This is an unusual requirement in immigration benefit applications. I am not aware of any other immigration benefit that requires a separate written statement from the applicant that provides reasons for seeking immigration protection. Other temporary humanitarian relief, such as temporary protected status or humanitarian parole, do not require a separate written statement from the applicant. Because this requirement is unusual, it is often overlooked, even by experienced immigration attorneys. This has resulted in rejected applications, which frustrates workers who are urgently seeking this protection as well as their advocates. Further, the requirement of a written request for deferred action from the applicant does not yield information that is useful to the agency's case-by-case weighing of the equities. Applicants for deferred action usually seek this protection for the same valid and predictable reasons that are shared by most	**Response:** Thank you for your suggestion. Through this revision, the form instructions have removed the requirement for a signed written request by the noncitizen stating the basis for the deferred action request. This field replaces the need for a separate signed written statement. Deferred action is a discretionary form of prosecutorial discretion. The noncitizen must demonstrate that they warrant an exercise of discretion. As a result, the additional field clearly directs the noncitizen to explain their basis for a discretionary request to defer removal. Your comments regarding noncitizens requesting deferred action for their participation in a labor agency investigation is noted, but this form is utilized by any individual requesting deferred action, not just individuals who may be part of a labor agency investigation.

		other eligible workers: they do not want to be deported, they want to stay with and provide for their families, they want to contribute to their community, they want to seek justice for labor violations committed against them, and they want to assist in labor agency investigations or compliance. But these reasons are evident from the application and can be appropriately weighed without requiring a separate written statement. Every application for deferred action for labor enforcement is accompanied by other evidence, including at a minimum evidence of employment, labor agency Statement of Interest, proof of identity, and some biographic information. So, the minimal information the agency receives from an applicant's written request for deferred action is not adding novel information relevant to its weighing of the equities. And eliminating the requirement for a separate written statement in each application would not in any way bar applicants from conveying additional and unique reasons through an optional separate statement, through a cover letter written by the representative or applicant, or through additional evidence. Therefore, I ask that the agency to consider eliminating this requirement in its entirety. If DHS is not able to eliminate this requirement, then the second-best option is to integrate this requirement into the G-325A, as the proposed revision seems to do, to reduce the confusion in the field that is resulting in rejected applications and delayed protections for workers needed in labor agency investigations.	
11.		**Commenter: Mary Yanik**	
	0061	Along the same lines, I ask that the agency eliminate or reduce the voluminous biographical information that is required on the current G-325A, specifically, the five years of address and work history. These fields are burdensome on applicants and attorneys. The low-wage workers that are most likely to	**Response:** USCIS has considered your comment and removed the employment history section from Form G-325A; we will not make any other recommended changes. USCIS notes that, in addition to those requesting deferred action based on their

		suffer labor exploitation and therefore are most in need of deferred action protections typically have informal employment, working for one or more contractor and sometimes on-and-off over a period of weeks or months. These employers do not have fixed addresses and informal employment of this nature often does not have a clear start and end date, as is required by this form. Low-wage workers struggle to remember in a linear fashion their address and work history over so many years, which means that it may take hours of careful questioning from an attorney to elicit accurate information. This delays applications and undermines DHS's policy objective of providing "streamlined" protections to workers assisting labor investigations *(see footnote 4)*. And this significant burden on applicants and those assisting applicants is not worth the information obtained, since address and work history are rarely relevant to weighing equities in these cases. The current revisions retain all of these fields, without explanation and in addition to adding new fields to integrate information needed for employment authorization. Instead, DHS should request only current address and current employment.	participating in labor-based enforcement action, Form G-325A will be used for all initial and subsequent requests for deferred action, other than deferred action related to DACA, Violence Against Women Act self-petitions, and A-3, G-5, T, and U nonimmigrant status Deferred action is a discretionary determination to defer removal of a noncitizen as an act of prosecutorial discretion, and each decision, whether it is an initial or subsequent request, is made on a case-by case basis. The information being collected by the Form G-325A is necessary for DHS to assess whether the person requesting deferred action has demonstrated that they warrant a favorable exercise of discretion with respect to the request before USCIS.
12.		**Commenter: Mary Yanik**	
	0061	Finally, I urge the Department to consider exempting the revised G-325A from the filing fee associated with applications for employment authorization. Under the latest fee schedule, the fee for seeking employment authorization has risen to $520.5 This is cost prohibitive for every eligible worker that I have personally encountered, the vast majority of whom are low wage workers. I have personally assisted or witnessed workers apply for deferred action for labor enforcement based on experiencing severe wage theft, wage discrimination, unlawful withholdings, and retaliatory firings. They are often applying for this protection in the most economically precarious moment of their lives.	**Response:** Comments on immigration benefit request fees charged by USCIS, and whether or not requesters are exempted from paying such fees, are out of scope for the proposed revision to this information collection. USCIS most recently provided the public with the opportunity to participate in the setting of immigration benefit request fees through the U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements rule. *See* 89 FR 6194 (Jan. 31, 2024).

		While the availability of an individual fee waiver offers some relief, it is insufficient. The fee waiver form is longer than every other form currently required in this application, combined. The documentation required to support a fee waiver request is often not available. Immigrants in the Deep South, where I practice, are never eligible for any means-tested benefits that would qualify them for a fee waiver. And the documentation to show income below 150% of the federal poverty line is also often elusive: workers are sometimes paid off the books, in cash, and cannot ask their employer to verify their income because, for instance, their employer is under investigation by the labor agency and already poised to retaliate against any worker who seems to be cooperating. The remaining ground, financial hardship, requires even more extensive documentation for every significant monthly expense. I treat the financial hardship category of the fee waiver form as an absolute last resort because I often find that reviewing every monthly expensive is retraumatizing for workers who have just lost their job and fear facing the financial needs of their family in a moment of crisis, all wrought by the employer's unlawful conduct. Therefore, the workers who are eligible for deferred action may not be able to produce the evidence to demonstrate that they qualify for fee waiver. This also delays the filing of applications, as workers attempt to find supportive evidence or borrow from friends or family to pay the application fee. Eliminating the fee required for deferred action for labor enforcement would alleviate this significant hardship and also serve the purpose of the streamlined protections in facilitating the timely participation of witnesses in labor enforcement.	
13.		**Commenter: Migration That Works**	
	0060 *(see attachment)*	See attached file.	**Response:** See Comment Responses below labeled with Commenter ID: 0060. The information in the attachment from the

			public comment (0060) was separated into different sections in this comment matrix to address each portion of information individually. **See Comment # 14. – 19.**
14.		**Commenter: Migration That Works**	
	0060	**b. USCIS should eliminate the fee for the streamlined process of requesting both deferred action and employment authorization.** While the proposed form revision includes an ability for a noncitizen to request an Employment Authorization Document (EAD) from Form G-325A, as opposed to submitting Form I-765 after deferred action has been adjudicated, the prohibitive fee for requesting an EAD remains a part of this process. Specifically, the proposed instructions explain that although "[r]equesting employment authorization upon a grant of deferred action using form G-325A is an alternative to submitting a separate Form I-765, Application for Employment Authorization, under the (c)(14) employment authorization category," requestors are still "required to provide the applicable filing fee when requesting employment authorization" even though there is no filing fee for form G- 325A.4 USCIS should amend this to clarify that a worker using form G-325A to apply for both deferred action and employment authorization is not required to pay a separate filing fee for the application for employment authorization. There are already a number of fee-exempt categories for applications for employment authorization. Here too, there are compelling reasons for why the employment authorization application should be fee-exempt instead of in the (c)(14) category. Under the deferred action program, workers come forward due to labor disputes with their former or current employer(s). The worker applicant's ability to pay the required fee is	**Response:** Comments on immigration benefit request fees charged by USCIS, and whether or not requesters are exempted from paying such fees, are out of scope for the proposed revision to this information collection. USCIS most recently provided the public with the opportunity to participate in the setting of immigration benefit request fees through the U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements rule. *See* 89 FR 6194 (Jan. 31, 2024). However, USCIS did amend the instructions to clarify that the filing fee for employment authorization under the (c)(14) employment authorization category is subject to the General Filing fee category.

		necessarily constrained by the very circumstances of being involved in a labor dispute. These disputes include wage theft, labor trafficking and fraud, all of which further limit workers' resources to allocate towards the filing fee. After a settlement or judgment, the length of time it takes to receive a receipt of full monetary remedies and/or reinstatement varies widely. Migration that Works' members have witnessed cases where final determinations were made years ago yet our clients still have not received the damages they are owed. Migration that Works' founding member and chair Centro de los Derechos del Migrante, Inc. ("CDM") has encountered many workers who have opted out of the deferred action program altogether due to the fee required for the employment authorization application. For example, CDM has conducted several clinics for workers eligible for deferred action who could not file their applications in part because of the burdensome fee. At one such clinic in North Carolina, CDM had two Statements of Interest from the Wage and Hour Division of the Department of Labor, which, when combined, could cover up to 6,071 workers. After extensive outreach, about 80 workers attended an in-person clinic conducted by CDM and local partners, yet only 13 workers submitted deferred action and employment authorization applications. For the workers who decided not to submit an application, the main reasons were that the EAD fees were too high, and the deferred action period of two years seemed too short to instill confidence in the protective nature of the program. Eliminating the fee barrier for workers would help to realize the full potential of the deferred action program and ultimately aid labor agencies in their efforts to hold abusive employers accountable. In the alternative, USCIS should allow for a simpler fee waiver process with this	

		streamlined process that accurately reflects workers' lived realities. USCIS should accept any statement of inability to pay rather than requiring the I-912 which is an additional burdensome form for low- wage workers who may not have traditional forms of evidence of income. At a minimum, USCIS should clarify the instructions regarding the fee schedule, category and amount required with this streamlined application.	
15.		**Commenter: Migration That Works**	
c. USCIS should further streamline Form G325A	0060	Part 1, Question 27.a.: The revised form's dropdown formatting requires the requestor to enter an exact date of entry to the United States. In our experience, some workers applying for deferred action have only an estimated date of arrival. To avoid forcing requestors to enter an exact date without certainty of that date, we recommend that USCIS either: (a) remove the dropdown formatting requiring an exact date, or (b) adopt language from the 04/01/2024 edition of Form I-765: "Date of Your Last Arrival Into the United States, On or About (mm/dd/yyyy)."	**Response:** Thank you for your suggestion. We have incorporated the suggestion into the revised form.
16.		**Commenter: Migration That Works**	
c. USCIS should further streamline Form G325A	0060	Part 1, Question 27.b.: We recommend that USCIS adopt language from the 04/01/2024 edition of Form I-765 giving examples of immigration statuses: "Immigration Status at your Last Arrival (for example, B-2 visitor, F-1 student, or no status)."	**Response:** Thank you for your suggestion. We have incorporated the suggestion into the revised form.
17.		**Commenter: Migration That Works**	
c. USCIS should further streamline Form G325A	0060	Part 2, Question 8: As currently formatted, a requestor could understand Question 8 to be part of the set of options in Questions 1-7. If USCIS seeks this information from all requestors of deferred action, we recommend inserting a left-justified header, revising the numbering, or otherwise making clear that this is a required field separate from the type of deferred action request.	**Response:** Thank you for your suggestion. We have incorporated the suggestion into the revised form.
18.		**Commenter: Migration That Works**	
	0060	**d. USCIS should clarify whether information gathered in the revised Form G325A replaces**	**Response:** Thank you for your suggestion. Through this revision, the form instructions

		elements of the current process to request Labor-Investigation Based Deferred Action. The Department of Homeland Security's current process for requestors of labor-investigation based deferred action includes nine bullet points outlining materials to submit in support of the request.5 These bullets include information not captured in the current Form G325A, but captured in the proposed revisions. Specifically, Part 2, Question 8 of the revised form seeks a "brief statement as to why the requestor's request for deferred action should be considered and why the requestor warrants deferral of removal as a matter of discretion." This is duplicative with the current instruction to provide "a written request signed by the noncitizen stating the basis for the deferred action request." If USCIS intends to condense the deferred action application process and reduce the number of items that must be submitted by the requestor, we commend this action. However, if USCIS intends to maintain requirements that each requestor include a signed written request, we strongly suggest that Part 2, Question 8 be either removed or made optional. In Migration that Work's experience, each element of an immigration application is usually unfamiliar to a worker and creates an obstacle to overcome before accessing the protection labor investigation-based deferred action offers. Because workers seeking this protection are often under serious and active threat of retaliation, it is crucial that the process be as straightforward and easily accessible as possible. USCIS should eliminate all requests for duplicative information in Form 325A and the labor investigation-based deferred action application as a whole. Similarly, the revisions to Form G325A contain fields to collect the information in Form I-	have removed the requirement for a signed written request by the noncitizen stating the basis for the deferred action request. This field replaces the need for a separate signed written statement.

		765WS. To the extent this revision is made to eliminate the need to submit Form I-765WS when requesting deferred action, Migration that Works fully supports it. However, in that case, we urge USCIS to clarify and educate potential requestors about any changes to the existing process to avoid submission of unnecessary forms or evidence and the associated burden on requestors.	
19.		**Commenter: Migration That Works**	
	0060	**e. Burden Estimation** The estimated hour burden per response provided is 2.15 hours. In 2022, when the form was only one page with revisions made, USCIS also estimated the hour burden per response was 2.15 hours. It is clear that the proposed change to this form would necessarily increase the hour burden per response, as it requires more information. We encourage USCIS to provide a more accurate estimate of the hour burden required by respondents, using a representative sample of potential respondents.	**Response:** The estimated hour burden per response did increase to 2.33 hours per response within this revision action. Taking into account the changes made within this revision to consolidate prior requirements onto the form, such as removing the requirement for a signed written request by the noncitizen stating the basis for the deferred action request and including a field on the form for this request of a brief statement, adding an Employment Authorization Document request checkbox, and reformatting the form to align with standardized formatting resulted in an increase in burden. In addition, based on the suggestions accepted from public comments received during the 60-day comment period, the hour burden per response has been updated to 2.39 hours per response, as reflected in the Paperwork Reduction Act statement.
20.		**Commenter: NILC**	
	0062 *(see attachment)*	See attached file(s)	**Response:** See Comment Responses below labeled with Commenter ID: 0062. The information in the attachment from the public comment (0062) was separated into different sections in this comment matrix to address each portion of information individually. **See Comment # 21. – 29.**
21.		**Commenter: NILC**	
	0062	To streamline both the initial application and renewal process, the agency should include only those requests for information necessary	**Response:** USCIS has considered your comment but will not make any changes to the Form G-325A based upon it. In addition

		for the application's proper adjudication. Nonetheless, significant barriers remain for immigrant workers seeking this protection, including a lack of free or affordable immigration legal services *(see footnote 8)*. Moreover, even the new, streamlined process continues to require significant information and documentation, in addition to a filing fee, which is prohibitive for many applicants who are victims of wage theft or other such violations. For these reasons, NILC and SEIU respectfully request that the Agency reconsider exempting or waiving the filing fee for workers eligible for this process. With respect to Form G-325A specifically, we urge the Agency to remove sections that require information of limited value to adjudicators but that are burdensome to applicants and immigration practitioners. Further, if the Agency maintains a filing fee for this process, the undersigned propose obviating Form I-912 for these requests by including an option to request a fee waiver on the G-325A itself and using the related economic necessity information (which can be supplemented as needed by a written request and/or documents from the worker) to adjudicate it. Finally, NILC and SEIU recommend allowing labor-based deferred action requests to be e-filed to increase access to these critical protections for migrant workers and reduce processing burdens on the Agency.	to those seeking deferred action based upon their participating in labor-based enforcement action, the Form G-325A will be used to request all initial and subsequent deferred action, other than deferred action related to DACA, Violence Against Women Act self-petitions, and A-3, G-5, T, and U nonimmigrant status. Deferred action is a discretionary determination to defer removal of a noncitizen as an act of prosecutorial discretion, and each decision, whether it is an initial or subsequent request, is made on a case-by case basis. The information being collected by the Form G-325A is necessary for DHS to assess whether the person requesting deferred action has demonstrated that they warrant a favorable exercise of discretion with respect to the request before USCIS.
22.		**Commenter: NILC**	
I. The Agency should remove information required by Form G-325A that is burdensome for migrant workers to collect and lacks probative	0062	The undersigned urge the Agency to remove unnecessary and burdensome information from the G-325A. Requestors should be required to provide nothing more than their current mailing address and employment information. They should not need to provide any information about spouses or family members as such information is not related to the case-by-case adjudication of labor-based deferred action. Providing such information is burdensome for applicants and their pro bono	**Response:** USCIS has considered your comment and removed the employment history section from Form G-325A; we will not make any other recommended changes. USCIS notes that, in addition to those seeking deferred action based upon their participating in labor-based enforcement action, the Form G-325A will be used to request all initial and subsequent deferred action, other than deferred action related to

value for the discretionary adjudication of labor-based deferred action.		counsel, particularly in the context of one-day legal clinics that have become common given the unmet need for immigration legal services providing direct representation of workers. While a grant of discretionary relief rests upon the weighing of all relevant factors, a key factor in labor-based deferred action adjudications is the labor agency's enforcement interest *(see footnote 9)*. More specifically, to be eligible for a grant of labor-based deferred action, an applicant must show that their current or past employment falls within the scope of the investigation described in a labor agency's SOI *(see footnote 10)*. In addition to proof of identity and employment at the workplace under investigation, and immigration history, if applicable, applicants are encouraged to submit "[e]vidence of any additional factors supporting a favorable exercise of discretion. *(see footnote 11)*" Notwithstanding the broad nature of prosecutorial discretion, much of the information required by the G-325A has no bearing on the adjudication of labor-based deferred action or discretionary factors generally considered by USCIS, such as criminal histories or positive equities. Further, as set forth below, biographical information of the kind required by the Form can be more onerous for low-income immigrant workers who often experience housing and job insecurity. This is particularly acute where, as in labor-based deferred action cases, an applicant has experienced labor violations that rob them of wages or impact their ability to work. Finally, given the dearth of legal services immigrant workers have faced when attempting to access this process, DHS should prioritize limiting the application requirements—including the G-325A—to only the information required to conduct its case-by-case adjudication. Doing so will reduce the	DACA, Violence Against Women Act self-petitions, and A-3, G-5, T, and U nonimmigrant status. Deferred action is a discretionary determination to defer removal of a noncitizen as an act of prosecutorial discretion, and each decision, whether it is an initial or subsequent request, is made on a case-by case basis. The information being collected by the Form G-325A is necessary for DHS to assess whether the person requesting deferred action has demonstrated that they warrant a favorable exercise of discretion with respect to the request before USCIS.

		burden on pro bono legal services, which will increase access to counsel and make adjudications more efficient for the Agency. Accordingly, to further streamline this process and avoid creating additional barriers for workers seeking to access it, the undersigned recommend removing Part 1, Questions 13-26 and 28 from the proposed G-325A.	
23.		**Commenter: NILC**	
I. The Agency should remove information required by Form G-325A that is burdensome for migrant workers to collect and lacks probative value for the discretionary adjudication of labor-based deferred action.	0062	**a. An applicant's past five-year employment and address history, as well as marital and parental information, provide no utility to adjudications but create burdens for applicants and counsel.** Marital and parental history, as well as the requestor's past five years of employment and residential history, all offer little meaningful information for discretionary adjudication. Even if adjudicators draw some inferences about a worker's positive or negative equities from the extensive biographical information, it would be insignificant when weighed against the demonstrated enforcement interests of labor agencies. Furthermore, having to provide this information will only deter potential requestors from submitting applications or increase burdens on legal service organizations that would be able to help more individuals with streamlined applications. Indeed, reducing the amount of information collected by the agency furthers efficiency interests and reduces the cost to adjudicate such cases. In fact, the Agency has already taken steps to reduce superfluous information by not including requestors' last address and employment information outside the U.S. in its proposed changes to Form G-325A. We support the removal of that information. We recommend that the Agency further streamline the application process by also eliminating proposed Question 26, which	**Response:** USCIS has considered your comment and removed the employment history section from Form G-325A; we will not make any other recommended changes. USCIS notes that, in addition to those requesting deferred action based on their participating in labor-based enforcement action, Form G-325A will be used for all initial and subsequent requests for deferred action, other than deferred action related to DACA, Violence Against Women Act self-petitions, and A-3, G-5, T, and U nonimmigrant status. Deferred action is a discretionary determination to defer removal of a noncitizen as an act of prosecutorial discretion, and each decision, whether it is an initial or subsequent request, is made on a case-by case basis. The information being collected by the Form G-325A is necessary for DHS to assess whether the person requesting deferred action has demonstrated that they warrant a favorable exercise of discretion with respect to the request before USCIS.

		requires that the requestor list her address history throughout the past five years. Additionally, we recommend that the Agency modify Question 28 to request only the requestor's current employment information. The undersigned's experience with low-income immigrant workers is that many struggle to maintain a permanent address and are often forced to move repeatedly in search of new employment and stable housing *(see footnote 12)*. Additionally, undocumented workers face an elevated degree of employment instability due to their undocumented status. Indeed, the population seeking this benefit is only eligible because of their employment with an exploitative employer, illustrating their challenges in providing five years of employment history when compared to workers with work authorization or permanent status. It is also noteworthy that other temporary protections, such as the Form I-821 for requesting Temporary Protected Status (TPS), do not require submitting extensive past residential and employment history. As a result, advocates have often encountered significant delays in application submission because workers attempt to recall or obtain the details of their address and employment history as requested by the proposed G-325A. For example, NILC recently assisted farmworkers who were eligible to apply for labor-based deferred action. Due to the seasonal nature of this work, workers often had well over ten different employers in the last five years. Piecing together this history, along with the addresses of each employer and the dates of employment, was extremely onerous for both the workers and advocates, often requiring an entire separate page (or more) of employment history beyond the space provided on the form.	

		Advocates have encountered similar delays for requestors with past marital history. At present, a requestor must provide her spouse's date of birth, city and country of birth, and date and location of marriage. Additionally, a requestor that has been previously married must provide their prior spouses' date of birth, the date and place of the marriage, and the date and place of the marriage's dissolution. This information may be unavailable to applicants, confusing in certain cultural contexts where "marriage" does not necessarily connote a legal status, and may discourage applicants who fear identifying family members without immigration status. The Agency's proposed changes to Form G-325A make no substantive changes to this marital history request despite the information's lack of clear probative value. Finally, the parental information required can be difficult to obtain, particularly for workers who have resided in the U.S. for many years—and whose parents are deceased—and who do not have access to their parents' records from their home country that would contain place and dates of birth as required by the G-325A. Once again, parental information has no probative value in the case-by-case adjudication of labor-based deferred action, and its requirement functions only as a barrier to accessing this process.	
24.		**Commenter: NILC**	
I. The Agency should remove information required by Form G-325A that is burdensome for migrant workers to collect and lacks probative value for the	0062	**b. The Agency underestimates the burden on immigrant workers of completing Form G-325A even under the new "streamlined" labor-based deferred action process.** The Agency estimates 565,180 submissions of amended Form G-325A, with each individual submission requiring fifteen minutes on average to be completed by applicants *(see footnote 13)*. We are not aware of the Agency's source for this time estimate, but in our experience, the form takes *significantly*	**Response:** The estimated hour burden per response did increase to 2.33 hours per response within this revision action. Taking into account the changes made within this revision to consolidate prior requirements onto the form, such as removing the requirement for a signed written request by the noncitizen stating the basis for the deferred action request and including a field on the form for this request of a brief statement, adding an Employment Authorization Document request checkbox,

discretionary adjudication of labor-based deferred action.		longer to complete, even when workers are assisted by counsel. Based on our experience, a more realistic estimate of the average time to complete the G-325A would be between one to three hours, based on the workers' history and the time needed for the worker to obtain marriage, parental, residential, and employment history that is not readily available. Sometimes the Form cannot be completed in a single meeting due to the worker's need to search for additional information. The true time burden incurred by requests for superfluous information truncates nonprofit organizations' ability to assist eligible requestors. Migrant workers eligible for labor-based deferred action already face myriad obstacles in the application process. As NILC noted in its one-year report on the process, "most workers' rights organizations do not have in-house immigration services; many nonprofits that offer immigration services are already at capacity; many workers in low-paying jobs cannot afford private immigration attorneys; and some cases involving large numbers of immigrant workers occur in rural and/or under-resourced communities that are 'legal deserts' in terms of immigration services *(see footnote 14)*." To address these obstacles, worker advocacy groups have sought to meet this need by organizing *pro se* legal clinics in which volunteer attorneys assist a large number of workers in preparing and submitting applications, similar to those that assisted Deferred Action for Childhood Arrivals (DACA) applicants in years past. By eliminating sections on requestors' marital, employment, and address history, volunteers will have significantly more time to assist a far greater number of eligible workers in submitting their applications *(see footnote 15)*. Increasing access to counsel not only benefits applicants, but also decreases the administrative burden	and reformatting the form to align with standardized formatting resulted in an increase in burden. In addition, based on the suggestions accepted from public comments received during the 60-day comment period, the hour burden per response has been updated to 2.39 hours per response, as reflected in the Paperwork Reduction Act statement.

		to the Agency as applicants with the assistance of counsel will be more likely to provide adequate and streamlined evidence and correctly completed applications, thus reducing the need for Agency Requests for Evidence, follow-up, adjudication times, and appeals.	
25.		**Commenter: NILC**	
I. The Agency should remove information required by Form G-325A that is burdensome for migrant workers to collect and lacks probative value for the discretionary adjudication of labor-based deferred action.	0062	**c. The Agency should amend the instructions for the G-325A to require less information for renewals or subsequent requests of labor-based deferred action.** We welcome the Agency's January 2024 announcement of a process for workers to submit subsequent requests for labor-based deferred action based on the ongoing interests of the labor agencies. However, the current process requires essentially all the same forms and supporting documents as the initial request, raising similar concerns of access for eligible workers with limited legal support. Therefore, even if the Agency retains the required information currently proposed in the revised G-325A, we respectfully request it amend the instructions to allow workers to forego extraneous information that has been previously provided to the agency in the initial request. Specifically, the agency should not require applicants to complete Part 1, Questions 10 through 28 when making subsequent requests for labor-based deferred action.	**Response:** USCIS has considered your comment and removed the employment history section from Form G-325A; we will not make any other recommended changes. USCIS notes that, in addition to those seeking deferred action based upon their participating in labor-based enforcement action, the Form G-325A will be used to request all initial and subsequent deferred action, other than deferred action related to DACA, Violence Against Women Act self-petitions, and A-3, G-5, T, and U nonimmigrant status. Deferred action is a discretionary determination to defer removal of a noncitizen as an act of prosecutorial discretion, and each decision, whether it is an initial or subsequent request, is made on a case-by case basis. The information being collected by the Form G-325A is necessary for DHS to assess whether the person requesting deferred action has demonstrated that they warrant a favorable exercise of discretion with respect to the request before USCIS.
26.		**Commenter: NILC**	
II. The Agency will advance its humanitarian interests by exempting or waiving filing fees for migrant workers seeking labor-based deferred	0062	**a. The Agency will best achieve its interest in facilitating labor enforcement by amending controlling regulations to exempt filing fees for requestors seeking employment authorization pursuant to a grant of labor-based deferred action.** Currently, controlling regulations allow USCIS to waive, but not exempt, payment for labor-based deferred action recipients seeking employment authorization under category	**Response:** Comments on immigration benefit request fees charged by USCIS, and whether or not requesters are exempted from paying such fees, are out of scope for the proposed revision to this information collection. USCIS most recently provided the public with the opportunity to participate in the setting of immigration benefit request fees through the U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration

action and by including an option to request a Social Security number on Form G-325A.		(c)(14).16 Nevertheless, Section 286 of the Immigration and Nationality Act17 empowers the Attorney General to designate adjudication fees for applications to USCIS while making express reference to services rendered without cost to the applicant. USCIS already recognizes a wide variety of employment authorization applicants for whom it has waived or exempted the filing fee requirement (see footnote 18). In fact, the agency's historical practice of exempting fees on a humanitarian basis has even been recently codified in federal regulations (see footnote 19). Indeed, the recently amended USCIS Fee Schedule reflects prioritizing fee exemptions, rather than waivers only, for nearly all victim-based or humanitarian requests (see footnote 20), identifying specifically both the benefit to the applicant as well as reduced cost to the agency in avoiding adjudication of fee waivers for categories that will generally merit them. Labor-based deferred action cases are by-and-large such cases. By definition, these applicants are individuals who have experienced workplace violations and are required to show economic necessity to work in order to receive employment authorization. Requiring a fee and processing a waiver that should generally be granted is a waste of Agency resources in addition to a burden on applicants and Counsel (see footnote 21). The $520 filing fee associated with the application for employment authorization (see footnote 22) is cost-prohibitive for many migrants seeking discretionary relief from USCIS, especially in the wake of the Covid-19 pandemic (see footnote 23). Accordingly, to more fully advance its humanitarian activity as proposed to Congress (see footnote 24), the Agency would do best to altogether exempt applicants seeking employment authorization	Benefit Request Requirements rule. *See* 89 FR 6194 (Jan. 31, 2024).

		based on labor-based deferred action from the filing fee. At present, with exception for those applications filed under category (c)(33), USCIS may waive the $520 filing fee (see footnote 25) for employment authorization applications based on Deferred Action (see footnote 26).	
27.		Commenter: NILC	
II. The Agency will advance its humanitarian interests by exempting or waiving filing fees for migrant workers seeking labor-based deferred action and by including an option to request a Social Security number on Form G-325A.	0062	**b. In the alternative, the Agency should include an option to request a fee waiver on Form G-325A, obviating the need to submit a separate Form I-912.** While federal regulations do not mandate that applications for employment authorization under category (c)(14) be submitted on a prescribed form,27 they do require that a recipient of Deferred Action establish economic necessity to work in order to receive employment authorization *(see footnote 28)*. Under controlling regulations, agency adjudicators assess economic necessity with information regarding the applicant's assets, income, and expenses *(see footnote 29)*. As to submission requirements, controlling regulations require only that an applicant's request for adjudication without fee payment be made in writing and contain an explanation of the applicant's inability to pay *(see footnote 30)*. In other words, the Agency is not required to adjudicate fee waiver requests submitted only on Form I-912 *(see footnote 31)*. In fact, in its final rule on changes to the USCIS Fee Schedule, the Agency stated it would not require fee waiver requests to be submitted on a prescribed form *(see footnote 32)*. Instead, the Agency chose to "revert to the current effective language at 8 CFR 103.7(c)(2) (Oct. 1, 2020)" and maintain its historical practice of accepting either Form I-912 or a written fee waiver request. Eligibility requirements remain consistent with the 2011 Fee Waiver Policy *(see footnote 33)* criteria of	**Response:** There is no fee for the Form G-325A, but USCIS assumes the commentor is referring to the fee for the associated request for employment authorization. USCIS may consider this recommendation in a future revision action to Form G-325A.

		inability to pay, which a requestor may establish by showing: 1) Receipt of a "means-tested" benefit *(see footnote 34)* at the time of filing *(see footnote 35)*; 2) Household income at or below 150 percent of the Federal Poverty Guidelines at the time of filing *(see footnote 36)*; or 3) Extreme financial hardship or other circumstances resulting in inability to pay *(see footnote 37)*. Nevertheless, at present, agency instructions require labor-based deferred action requestors to seek a fee waiver on Form I-912 *(see footnote 38)*. The proposed changes to Form G-325A will allow applicants to apply for employment authorization and establish economic necessity without need of Form I-765 or I-765WS, Worksheet. This is because the information requestors provide to establish economic necessity closely parallels the newly codified regulatory requirements for fee waiver eligibility *(see footnote 39).* Accordingly, the agency should capitalize on its proposed employment-related inclusions in Form G-325A by allowing applicants to request a fee waiver on the new form itself, obviating the need for submission of the I-912. Rather than submitting a separate form with largely duplicate information, an applicant may instead check a box requesting a fee waiver based on the economic necessity information, with the option to submit additional supporting documents. Such an allowance will further streamline the application process for applicants who are unable to pay the $520 filing fee and wish to request a fee waiver. Moreover, it will also ease the Agency's operational costs by no longer requiring agency adjudicators to process a lengthy Form I-912 containing much of the same information already provided within Form G-325A for applicants showing economic necessity.	

Form G-325A Revision - Responses to 60-day FRN Public Comments

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28.		**Commenter: NILC**	
II. The Agency will advance its humanitarian interests by exempting or waiving filing fees for migrant workers seeking labor-based deferred action and by including an option to request a Social Security number on Form G-325A.	0062	**c. The revised G-325A should allow workers to request automatic issuance of a Social Security number upon approval of the labor-based deferred action request.** At present, Form I-765 contains the option for applicants to request issuance of a Social Security number (SSN) upon approval of the underlying application for employment authorization.40 However, the proposed G-325A does not include this option despite allowing inform requests for both labor-based deferred action and employment authorization. As Social Security numbers are critical for lawful employment, as well as providing access to other benefits and services, we urge the Agency to reproduce Questions 12 through 17 of Part 2 of the current Form I-765 in the updated G-325A. The Agency should additionally update the corresponding forms instructions. Although a worker can apply for an SSN after having received Form I-766 (Employment Authorization Document/EAD) from USCIS, the worker must presently do so at their local Social Security Administration (SSA) office by submitting Form SS-5, Application for a Social Security Card *(see footnote 41)*. Additionally, the recipient must present two documents proving their identity and employment-authorized immigration status *(see footnote 42)*. The documents must be originals or copies certified by the issuing agency *(see footnote 43)*. Instead, USCIS should allow--as it does in other benefits requests--the applicant to simply request a Social Security number on the amended Form G-325A. The separate application process for an SSN imposes additional time and monetary burdens on immigrant workers seeking to access this process, especially those living in rural areas with little or no transportation options to the appropriate Social Security	**Response:** Thank you for your suggestion. We have incorporated the suggestion into the revised form.

		office. Additionally, an application for an SSN may take several weeks to be processed, thus further prolonging a worker's inability to seek lawful employment, a driver's license, and certain state and federal benefits *(see footnote 44)*. Advocates have further found that Social Security offices differ in their understanding of and ease with processing requests for noncitizens, which further exacerbates these harms to workers, distracts them from assisting the investigating agency, and increases burdens on social service organizations which often help applicants liaise with SSA offices and other agencies. Undersigned acknowledge the Covid-19 pandemic's detrimental impact to agency revenue.45 Nevertheless, by amending Form G-325A to include applications for employment authorization and obviating the need for a fee waiver request, the agency also preserves the resources it would have spent adjudicating Forms I-765, I-765WS, and I-912. The subsequent reduction in operational costs will offset the loss in revenue resulting from such a fee exemption. In fact, the benefits resulting from increased participation in the deferred action program more than justify amending controlling regulations *(see footnote 46)*. Additionally, USCIS should look to recover any remaining loss in revenue from Congressional appropriations rather than raising fees for applicants whose circumstances are analogous to those for whom the filing fee is presently exempted *(see footnote 47)*. The agency's demonstrated history of success following financial support from Congress is well documented by the agency itself *(see footnote 48)*.	
29.		**Commenter: NILC**	
III. Allowing for E-filing of labor-based deferred action	0062	Given the lack of immigration services to support workers seeking labor-based deferred action, particularly in rural communities where many large labor disputes have arisen, remote representation has become critical to ensuring	**Response:** Thank you for your recommendation. USCIS may consider this recommendation in a future revision action to Form G-325A.

requests and applications for work authorization, in addition to paper filing, would streamline the application process and enhance access to immigration protections for immigrant workers involved in labor disputes.		workers can access the process. Thus far, the streamlined process has only been available through paper filing of the forms and supporting documents to the Montclair, California USCIS filing location. For those who can secure representation remotely, paper filing adds another challenge in terms of mailing documents back and forth and getting signatures. Allowing electronic filing would ensure greater access to this process for workers unable to meet with advocates in person. With that said, some workers with in-person legal assistance or applying pro se may still find the process more accessible on paper. Accordingly, we urge the agency to allow for both paper and electronic filing to maximize the flexibility and accessibility of the process. E-filing would also further the agency's 5-year directive (under Section 4103 of the Emergency Stopgap USCIS Stabilization Act, Title I, Div. D of Public Law (P.L.) 116-159 (8 U.S.C. 1103 note)) to enable e-filing and e-payment for all applications as described in 2021 fiscal report to Congress *(see footnote 49)*.	