

**SUPPORTING STATEMENT FOR  
Biographic Information (for Deferred Action)  
OMB Control No.: 1615-0008  
COLLECTION INSTRUMENT(S): G-325A**

**A. Justification**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Section 103(a)(1) of the Immigration and Nationality Act (INA), 8 U.S.C. section 1103(a)(1), gives the Secretary of Homeland Security general authority to enforce and administer the immigration laws. Section 103(a)(3) of the INA, 8 U.S.C. section 1103(a)(3), authorizes issuance of forms, instructions, and guidance necessary to carry out the authority provided in section 103(a)(1) of the INA, 8 U.S.C. section 1103(a)(1).

Deferred action is a discretionary determination to defer removal action of a noncitizen as an act of prosecutorial discretion. For individuals requesting deferred action (other than deferred action based on DACA, Violence Against Women Act (VAWA), and A-3, G-5, and T and U nonimmigrant visas), the Form G-325A, along with supporting evidence, is submitted to USCIS. The Form G-325A collects biographic information and a statement from the requestor explaining why they are requesting deferred action and why they warrant a favorable exercise of discretion. If the deferred action request is granted, the Form G-325A may also serve as an application for employment authorization and an Employment Authorization Document (EAD) (Form I-766).

When a noncitizen seeks to be employed in the United States they must apply to U.S. Citizenship and Immigration Services (USCIS) for a document evidencing such employment authorization. Such applications are made pursuant to 8 C.F.R. 274a.13. Employers are required to verify a person's identity and authorization to work in the United States, and the employee is required to provide evidence of his or her authorization to work in the United States. See 8 U.S.C. 1324a(a)(1)(B); 8 C.F.R. 274a.2(b)(1). This evidence, the EAD (Form I-766), establishes identity and employment authorization.

If a noncitizen uses the Form G-325A to concurrently request employment authorization and an EAD, the noncitizen may also simultaneously apply for a Social Security Number (SSN) and/or Social Security card with the Form G-325A. USCIS shares information collected on the form with the Social Security Administration (SSA). This information sharing initiative is conducted pursuant to the Social Security Act 205(c)(2)(B)(i)(I) and 702, 42 U.S.C. sections 405(c)(2)(B)(i)(I) and 902; the Immigration and Nationality Act,

8 U.S.C. sections 1103, 1158, 1225, 1228, and Title II of Public Law 105-100; and 20 C.F.R. 422.104; and the Interagency Agreement reached between USCIS and SSA in December 2015 and a Memorandum of Understanding (MOU) between USCIS and SSA, the Addendum to the MOU, USCIS's FMS Forms 7600 A/B.

Any individual may be required to submit biometric information if the regulations or form instructions require such information or if requested in accordance with 8 C.F.R. 103.2(b)(9). DHS may collect and store for present or future use, by electronic or other means, the biometric information submitted by an individual. DHS may use this biometric information to conduct background and security checks, adjudicate immigration and naturalization benefits, and perform other functions related to administering and enforcing the immigration and naturalization laws. See 8 C.F.R. 103.16; 8 U.S.C. 1103.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

USCIS uses Form G-325A to collect biographic information from certain deferred action requestors and a statement from the requestor that explains why they are requesting deferred action and why they warrant a favorable exercise of discretion. USCIS uses the information collected on Form G-325A to determine whether to grant deferred action on a case-by-case basis in the exercise of discretion.

The Form G-325A also includes an option that allows requestors to request employment authorization and an Employment Authorization Document (EAD) pursuant to 8 C.F.R. 274a.12(c)(14) upon being granted deferred action. There is also a section which allows the requestor to provide information to establish economic necessity which is a requirement to be eligible for employment authorization under 8 C.F.R. 274a.12(c)(14). This inclusion obviates the need for the requestor to file the Form I-765, Application for Employment Authorization, and the Form I-765 Worksheet when applying for employment authorization and an EAD, thus preventing duplicative collection.

Instead of going to a Social Security Office, an applicant for employment authorization can apply for a SSN and Social Security card using the Form G-325A. If the relevant data elements on Form G-325A are filled out, USCIS will send the applicant's information to the Social Security Administration (SSA) upon approval of the employment authorization request. If the applicant already has an SSN and requested a Social Security card on Form G-325A, SSA will issue a replacement Social Security card.

USCIS also collects biometric information from certain noncitizens requesting deferred action, such as those USCIS has not previously collected biometrics in connection with

an underlying application or petition, to verify the noncitizen's identity, check or update their background information, and produce the EAD.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The process requires a respondent to submit Form G-325A and supporting evidence in response to this collection of information. Form G-325A is currently available as a paper form that can be accessed electronically, completed online, and then printed, signed, and mailed or hand delivered to the designated USCIS location, along with the required supporting evidence. This form and its instructions are available on the USCIS website at [www.uscis.gov/g-325a](http://www.uscis.gov/g-325a). At this time, the collection of information does not include an electronic submission option.

USCIS uses various tools to collect feedback from end users of USCIS information collections. These tools include surveys or focus groups designed to collect general information, as well as public feedback submitted to USCIS either in response to an official solicitation of public comments from Federal Register publications or submitted proactively through USCIS' robust external outreach activities with stakeholders (see, e.g. [www.uscis.dhs.gov/outreach](http://www.uscis.dhs.gov/outreach)). USCIS also performed usability testing on USCIS Form I-765, Form N-400, and Form I-485 (the three highest- volume forms) with the goal of studying cross-cutting issues that impact the responding public across the entirety of the USCIS collections of information.

In addition to feedback from external stakeholders, our analysis considers consultation with internal agency stakeholders regarding such activities including, but not limited to, document submission, evidentiary requirements, and like activities. USCIS extensively engages with various program, policy, and intake teams for feedback on the information collections. USCIS analyzes the results of all these efforts to identify necessary modifications to the collection tools approved for use under the Paperwork Reduction Act. Such modifications could include clarifying edits, potential question removal, and instructional updates, all intended to further support the respondent's experience in complying with a collection of information. The collection of information proposed in this current submission is the cumulative result of all this analysis and studies conducted. As a result of cumulative analysis and feedback, USCIS is adding an option that allows respondents to request employment authorization and an Employment Authorization Document (EAD) upon being granted deferred action, and a section which allows the requestor to provide the information necessary to establish economic necessity, which is a requirement to be eligible for employment authorization. This inclusion obviates the need for the requestor to file the separate Form I-765, Application for Employment Authorization, and the Form I-765 Worksheet, when applying for employment authorization and an EAD, thus preventing duplicative collection of

information. There is no burden savings directly reported for USCIS Form G-325A, however the number of respondents reported in the separate information collection for USCIS Form I-765 (OMB Control Number 1615-0040) will decrease by the number of respondents that no longer need to file this separate form. The USCIS Form I-765 revision project is moving separately from the USCIS Form G-325A revision project and is expected to be submitted to OMB early Fiscal Year 2025. In addition, USCIS is updating this information collection to account for USCIS policy around statelessness and gender.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

There is no current collection of information that obtains the information necessary to make a determination for this process.

However, the Form G-325A includes an option that allows requestors to request employment authorization and an EAD pursuant to 8 C.F.R. 274a.12(c)(14) upon being granted deferred action. There is also a section which allows the requestor to provide information to establish economic necessity which is a requirement to be eligible for employment authorization under 8 C.F.R. 274a.12(c)(14). This inclusion obviates the need for the requestor to file the Form I-765, Application for Employment Authorization, and the Form I-765 Worksheet when applying for employment authorization, thus preventing duplicative collection.

**5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

There is no impact on small businesses or other small entities.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

If the collection is not approved, USCIS will not have all of the information needed to assess whether noncitizens requesting deferred action (other than deferred action based on DACA, VAWA, and A-3, G-5, and deferred action related to bona fide determinations and waitlist placement related to T and U nonimmigrant status warrant deferred action on a case-by-case basis in the exercise of discretion.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **Requiring respondents to report information to the agency more often than**

quarterly;

- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This information collection is conducted in a manner consistent with the guidelines in 5 C.F.R. 1320.5(d)(2).

- 8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 C.F.R. 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be**

**circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

On April 23, 2024, USCIS published a 60-day notice in the Federal Register at 89 FR 30388. USCIS received six comments after publishing that notice. USCIS's responses to the public comments can be found in the following attachment shown in the Supplementary Documents: ***60-Day Public Comment Response Matrix***.

On September 11, 2024, USCIS published a 30-day notice in the Federal Register at 89 FR 73701. USCIS received one comment after publishing that notice. This comment was unrelated to the information collection. USCIS did not make changes to the information collection in response to the comment.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

USCIS does not provide any payment for benefit sought.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.**

There is no assurance of confidentiality provided to respondents<sup>1</sup>.

This collection is covered under the following Privacy Impact Assessment:

- DHS/USCIS/PIA-061 Benefit Request Intake Process, March 15, 2016.

The collection of information is covered by the following System of Records Notices:

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, September 18, 2017, 82 FR 43556; and
- DHS/USCIS-007 Benefits Information System, October 10, 2019, 84 FR 54622.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

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<sup>1</sup>Requestors who use this form may be entitled to information protections under 8 U.S.C. 1367 if they have otherwise requested or received VAWA/T/U-based benefits. Requesters who use this form may also be entitled to confidentiality protections under 8 C.F.R § 208.6.

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

		A	B	C (=AxB)	D	E (=Cx D)	F	(=ExF)
Type of Respondent	Form Name / Form Number	#. of Respondents	#. of Responses per Respondent	# of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate*	Total Annual Respondent Cost
Individuals or households	G-325A Paper	7,500	1	7,500	2.39	17,925	\$43.45	\$778,841
<b>Total</b>				<b>7,500</b>		<b>17,925</b>		<b>\$778,841</b>

\* The above Average Hourly Wage Rate is the [May 2022 Bureau of Labor Statistics](#) average wage for All Occupations of \$29.76 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$43.45. The selection of “All Occupations” was chosen because respondents to this collection could be expected from any occupation.

- 13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**
- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates**

**should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995; (2) to achieve regulatory compliance with requirements not associated with the information collection; (3) for reasons other than to provide information or keep records for the government; or, (4) as part of customary and usual business or private practices.**

USCIS estimates that respondents to this collection of information may incur costs for postage. USCIS is estimating that respondents could submit the package via normal 1<sup>st</sup> class mail for a cost of approximately \$8, or via Priority Mail for a cost of approximately \$27, or via another service such as FedEx for a cost of approximately \$41. The \$25 average reflects the belief that a larger percentage will choose a U.S. Mail service, but that more expensive options could be used as sometimes is the case. USCIS estimates these costs as \$25 per respondent x 7,500 respondents, for a total of **\$187,500**.

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

The cost to the Federal government to process these requests is estimated based on the 2022 OPM General Schedule (Base) of a GS-13, Step 4, program analyst spending approximately 2,000 hours a year reviewing and making determinations. The hourly wage, adjusted for benefits, is  $\$42.81 \times 1.46 = \$62.50$ . The total cost to the Federal government is estimated at **\$125,005** (Calculated:  $\$62.50 \times 2,000 = \$125,005$ ).



15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
G-325A Paper	1,666	17,925	16,259			
G-325A Online	1,604	0	(1,604)			
<b>Total(s)</b>	<b>3,270</b>	<b>17,925</b>	<b>14,655</b>			

USCIS is reporting an increase in the estimated annual hour burden to respondents for this collection of information as a result of an increase in the estimated average burden per response for the paper filed form from 2.15 hours to 2.39 hours. This increase also stems from an increase in the estimated number of respondents based on updated agency forecasts. The electronic filing capability will be removed due to changes made within this revision that require additional time for preparation of electronic filing. USCIS will submit a separate request for electronic filing capability for Form G-325A.

Data collection Activity/Instrument (in dollars)	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
G-325A Paper				\$19,375	\$187,500	\$168,125
<b>Total(s)</b>				<b>\$19,375</b>	<b>\$187,500</b>	<b>\$168,125</b>

USCIS is reporting an increase in the estimated annual cost burden to respondents for this collection of information as a result of an increase in the estimated number of respondents based on updated agency forecasts.

16. For collections of information whose results will be published, outline plans for

**tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

This information collection will not be published for statistical purposes.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

USCIS will display the expiration date for OMB approval of this information collection.

- 18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.**

USCIS does not request an exception to the certification of this information collection.

**B. Collections of Information Employing Statistical Methods.**

There is no statistical methodology involved with this collection.