SUPPORTING STATEMENT FOR
Application to Register Permanent Residence or Adjust Status
OMB Control No.: 1615-0023
COLLECTION INSTRUMENT(S): Form I-485, Supplement A, and Supplement J

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 291 of the Immigration and Nationality Act (INA) places the burden of proof on applicants to demonstrate eligibility for the benefit sought. Form I-485, Application to Register Permanent Residence or Adjust Status, is used by aliens physically present in the United States to apply to register permanent residence or for adjustment of status to that of a lawful permanent resident. The INA and certain other Federal laws provide many different ways to adjust status to that of a lawful permanent resident. This is often informally referred to as applying for a "green card."

Section 245 of the INA is the primary law that provides for the adjustment of status of aliens present in the United States to that of a lawful permanent resident. Section 245A of the INA provides for the adjustment of status of "legalization" applicants. Section 209 of the INA provides for the adjustment of status of asylees and refugees. Section 249 of the INA provides for the "registry" of lawful permanent residence for aliens residing continuously in the United States since before January 1, 1972. Additionally, special laws (cited below) provide for the adjustment of status of other aliens, including certain Afghan and Iraqi nationals.

Additionally, section 106(c) of The American Competitiveness in the Twenty-First Century Act of 2000, Pub. L. No. 106-313, 114 Stat. 1251 ("AC21"), amended INA section 204 by adding subsection (j), titled "Job Flexibility for Long Delayed Applicants for Adjustment of Status to Permanent Residence." Under INA 204(j), certain aliens are allowed to change to a new job without affecting the validity of the underlying petition that was the basis for the pending Form I-485. As long as the alien changes to a new job that is in a same or similar occupational classification as the job listed in the approved petition that is the basis for the pending Form I-485, that approved petition remains valid and the Form I-485 can continue to be adjudicated. Aliens can only avail themselves of the INA 204(j) flexibility if the Form I-485 has been pending for more than 180 days.

Section 245(i) of the INA, provides adjustment of status for certain applicants who are ineligible to adjust status under section 245(a) of the INA because they entered the United States without inspection, violated their nonimmigrant status, were employed in the United States without authorization, or are otherwise barred from adjustment by INA 245(c).

Section 203(b)(2)(B) of the INA, as amended by the Nursing Relief for Disadvantaged Areas Act (Nursing Relief Act) of 1999, Public Law 106-95 (Nov. 12, 1999), allows the Secretary of Homeland Security to issue national interest waivers on behalf of any alien physician who agrees to work full time for an aggregate of three or five years as a physician in an area or areas designated as a medical shortage area or at a Veterans Administration health care facility; and a Federal agency or state department of public health has determined that such is in the public interest.

The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) regulations at 8 CFR 204.12 and 245.18 establish special rules for requests for physician national interest waivers that are filed with Form I-140, Petition for Immigrant Worker. The Secretary of Homeland Security is not authorized to make a final adjudication on the Form I-485, until a physician has demonstrated compliance with the medical service requirement. The regulations do not require the creation of a new form or the editing of the existing Form I-140 or I-485. Rather, the regulations require the submission of additional documentary evidence to support the requests for an immigrant visa number and adjustment of status.

Authority: INA section 245 and 8 CFR 245.1 et seq.; INA section 245A and 8 CFR 245a.1 et seq.; INA section 209 and 8 CFR 209 et seq.; Section 1059 of Public Law 109-163, as amended by Public Law 110-36; Section 1244 of Public Law 110-181, as amended by section 602(b)(9) of Public Law 111-8; Section 602(b) of Public Law 111-8; INA section 249 and 8 CFR 249 et seq; INA section 291; INA section 204(b); INA section 204(e); INA section 212(a)(5)(A); INA section 212(a)(4); INA section 245(i); INA section 203(b); INA section 204(j); Section 902 of Public Law 105-277 (HRIFA); Public Law 89-732; Section 13 of Public Law 85-316; INA section 213A and 8 CFR 213a.

Executive Order (EO) 14168, "Defending Women From Gender Ideology Extremism And Restoring Biological Truth To The Federal Government," states that it is the policy of the United States to recognize two sexes, male and female and these sexes are not changeable. *See* 90 FR 8615 (Jan. 20, 2025). The EO instructs agencies, including DHS, USCIS, to give the terms "sex", "male", "female", "men", "women", "boys" and "girls" the meanings set forth in section 2 of the EO when interpreting or applying statutes, regulations, or guidance and in all other official agency business, documents, and communications. Per section 3 of the EO, all agencies, including USCIS, shall use the term "sex" and replace "gender" with "sex" in all applicable information collections. USCIS information collections that require an individual's sex shall list "male" or "female" and shall not request gender identity.

This collection of information is necessary to comply with Section 2 and Section 3 of the EO. USCIS will update its forms and systems to reflect the EO definitions when collecting information from individuals who submit immigration benefit requests. USCIS, as a component of DHS, has the following statutory and regulatory authorities, to

collect information from applicants for immigration benefits, to secure the homeland and prevent terrorism:

- The Homeland Security Act, 2002, P.L. 107-296;
- The Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004, P.L. 108-458;
- Implementing Recommendations of the 9/11 Commission Act of 2007 ("The 9/11 Act"), P.L. 110-53;
- The Immigration and Nationality Act, as amended;
- Title 8 of the U. S. Code; and
- Title 8 of the Code of Federal Regulations.

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.

The data collected on these forms is used by USCIS to determine eligibility for the requested immigration benefit and, as applicable, whether the applicant merits a favorable exercise of discretion. The forms serve the purpose of standardizing requests for benefits and ensuring that applicants provide all essential information required for USCIS to adjudicate the applications.

Form I-485 is used by all applicants seeking to adjust status to lawful permanent residence. The Form I-485 instructions provide general guidance applicable to all applicants for adjustment of status, along with additional instructions that provide guidance specific to an applicant's particular immigrant category under which they are filing (such as family-based, employment-based, etc.). The Form I-485 is also the mechanism for adjustment of status applicants to request an affirmative exemption from filing an Affidavit of Support under Section 213A of the INA, when required under 8 CFR 213a.2.

Supplement A to Form I-485 is used by a subset of applicants seeking to adjust status under section 245(i) of the INA.

Supplement J to Form I-485 is used by applicants whose adjustment of status is based on an approved employment-based immigrant visa petition to confirm the validity of the job offer on which their application is based or to "port" the application to a new offer of employment under section 204(j) of the INA.

The Physicians National Interest Waiver notice will be used to notify foreign physician applicants of the medical service requirements for national interest waiver physicians applying for adjustment of status.

To meet the standards of EO 14168, Section 2 and 3, USCIS will update Form I-485 to reflect the EO definitions when collecting information from individuals who submit

immigration benefit requests. An individual's sex is a biographic identifier and data element used to help USCIS confirm both an individual's identity as it relates to the submitted immigration benefit request and to other records.

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 use of the Form I-485, Form I-485 Supplement A, Form I-485 Supplement J, and the Instructions for filing these forms provides the most efficient means of collecting and processing the information needed to determine eligibility and, as applicable, whether the applicant merits a favorable exercise of discretion, for aliens seeking lawful permanent resident status through the adjustment of status process. The forms can be accessed and completed in a PDF-fillable format, and then printed and mailed to USCIS. These forms currently cannot be filed electronically with USCIS through the USCIS online portal.

Forms I-485, Supplement A, and Supplement J are available at www.uscis.gov/ keyword search "Form I-485." These forms and their instructions are located on the USCIS website at the following:

- I-485: www.uscis.gov/i-485
- I-485 Supplement A: www.uscis.gov/i-485supa
- I-485 Supplement J: www.uscis.gov/i-485supj

USCIS is in the process of gathering the requirements to allow for submission of Form I-485, Form I-485 Supplement A, Form I-485 Supplement J online. Currently, respondents can access and complete the forms in a PDF-fillable format but they must submit the completed application by mail.

The Physicians National Interest Waiver notice will be sent by USCIS to national interest waiver physicians seeking adjustment of status to notify them of the dates by which additional evidence of the medical service requirements is due to be submitted to USCIS.

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.

USCIS has investigated its internal processes, files and data as well as those of other Federal agencies that may service the same population. In an effort to minimize collecting duplicate information, USCIS reviews the applications and makes a request for specific information using Form I-797, Notice of Action.

The information collected via the Form I-485, its supplements, and the associated instructions, as well as the Physicians National Interest Waiver notice, collect

information necessary to adjudicate the applicant's request. Some pieces of the data collected here may be done so via instruments that other agencies utilize, but the bulk of the information necessary to adjudicate the application for adjustment of status must be up-to-date at the time of the request and decision. Because of the extensive eligibility requirements for adjustment of status, attempting to gather information from other agencies that might have a few select parts of the required data and then verifying the authenticity and timeliness of the detail would require time beyond what currently is required to process the application. This would increase the cost for the applicant beyond the current fee charged due to the additional processing time that investigating, obtaining, and verifying the other agency's information would require.

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.

The collection of information does not have an 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 this information is not collected, it would hinder USCIS's ability to accept and analyze information submitted by applicants who are seeking lawful permanent resident status.

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 CFR 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 CFR 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.

USCIS is submitting a non-substantive change to a currently approved collection request to OMB. Publication of Federal Register Notices is not required.

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.

The Privacy Act of 1974 (Public Law 93-589) mandates that personal information solicited from individuals completing federal records and forms be kept confidential. The respondent is informed prior to submission that USCIS may provide this information

to other agencies.

The PIA associated with this information collection is:

- DHS/USCIS/PIA-003-Integrated Digitization Document Management Program, which covers the digitizing of paper-based immigration files and stores them in EDMS;
- DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems to account for the Collection and storage of the I-485; and
- DHS/USCIS/PIA-056(a) USCIS Electronic Immigration System (ELIS), to cover the processing of the Form I-485.

The system of records notices associated with this information collection are:

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, September 18, 2017, 82 FR 43556;
- DHS/USCIS-007 Benefits Information System, October 10, 2019, 84 FR 54622; and
- DHS/USCIS-018 Immigration Biometric and Background Check (IBBC) System of Records, which covers the processing of biographical information for background check, July 31, 2018, 83 FR 36950.

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.

USCIS asks questions of a sensitive nature regarding past behavior and activities. These questions are necessary to determine eligibility of the applicant for adjustment of status to that of a lawful permanent resident, and, as applicable, to determine whether the applicant merits a favorable exercise of discretion, consistent with statutory and regulatory requirements. Sensitive questions are asked to determine: whether an individual is inadmissible under, for example, the security and related grounds under section 212 (a)(3)(A)-(F) of the INA, and the criminal and related grounds under section 212(a)(2) of the INA.

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

- **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.**

Information Collection Hour Burden Estimate								
		A	B	C = A x B	D	E = C x D	F	G = E x F
Respondent Type	**Form Name/ Form Number**	**No. of Respondents**	**No. of Responses per Respondent**	**Total No. of Responses**	**Avg. Burden per Response, in hours**	**Total Annual Burden, in hours**	**Avg. Hourly Wage Rate, in dollars**	**Total Annual Respondent Cost, in dollars**
Individuals or households	Application to Register Permanent Residence or Adjust Status, I-485	1,060,585	1	1,060,585	6.86	7,275,613	45.95	334,321,233
Individuals or households	Adjustment of Status Under Section 245(i), I-485A	44,848	1	44,848	0.88	39,467	45.95	1,813,523
Individuals or households	Confirmation of Bona Fide Offer or Request for Job Portability Under Section 204(j), I-485J	57,353	1	57,353	0.60	34,412	45.95	1,581,245
Individuals or	Biometric	1,060,5	1	1,060,	1.17	1,240,884	45.95	57,019,8

households	Processing	85		585				02
Total				**2,223,371**		**8,590,376**		**394,735,803**

** The above Average Hourly Wage Rate is the May 2022 Bureau of Labor Statistics average wage for All Occupations $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.*

*** The Physicians National Interest Waiver burden is included in the estimate for the I-485.*

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.**

There are no capital, start-up, operational or maintenance costs associated with this collection of information.

This information collection may impose some out-of-pocket costs on respondents in

addition to the time burden for the form's preparation. Costs may include payments for document translation and preparation services, attorney and legal fees, postage, and costs associated with gathering documentation. USCIS estimates the average cost of this information collection may vary widely, from as little as $20 to $1,000 per respondent. USCIS estimates that the average cost for these activities is $490 and that approximately 70 percent of the total respondent population may incur this cost. The estimated out of pocket cost to respondents is 1,060,585 respondents multiplied by 70 percent of the population multiplied by the average cost per response of $490, which equals **$363,780,655**. The estimated out-of-pocket cost per respondent is $363,780,655 divided by 1,060,585 respondents, which equals $343.

For informational purposes, please see the following fee charges:

Instrument	Fees, in dollars
I-485	1,440
I-485A	1,000

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.

USCIS establishes its fees using an activity-based costing model to assign costs to an adjudication based on its relative adjudication burden and use of USCIS resources. Fees are established at an amount that is necessary to recover these assigned costs, plus an amount to recover unassigned overhead (which includes the clerical, officer, and managerial time with benefits) and immigration benefits provided without a fee charge. As a consequence of USCIS immigration fees being based on resource expenditures related to the benefit in question, USCIS uses the fee associated with an information collection as a reasonable measure of the collection's costs to USCIS.

Cost to Government						
	A	B	C	D	E	F = A (B + C x D + E)
Instrument	**Respondents**	**USCIS Fee, in dollars**	**Adjudication Hours**	**Avg. Hourly Rate, in dollars**	**Other Government Costs**	**Total, in dollars**
I-485	1,060,585	1,440	0	-	-	1,527,242,400
I-485A	44,848	1,000	0	-	-	44,848,307

Total Est. Cost						**1,572,090,707**

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

To meet the standards of EO 14168, Section 2 and 3, USCIS will update Form I-485 to reflect the EO definitions when collecting information from individuals who submit immigration benefit requests. USCIS shall use the term "sex" and replace "gender" with "sex" in all applicable information collections. USCIS information collections that require an individual's sex shall list "male" or "female" and shall not request gender identity. USCIS is reporting no change to the estimated annual hour burden and estimated annual cost burden to respondents for this information collection as a result of this action.

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.