

**Generic Clearance for the Collection of Certain Biographic and Employment Identifiers on Immigration Forms - Responses to 60-day FRN Public Comments**

**Public Comments** (regulations.gov): [USCIS-2025-0006](https://www.regulations.gov/document/USCIS-2025-0006)

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Comment Topic	Comment Summary	USCIS Response
<b>Topic 1. Legal Authority to Collect</b>		
	<p><b>Violations of Statutory Authority:</b> The comments collectively assert that DHS and USCIS lack the legal authority to collect the proposed information. They argue that the requirements violate the Privacy Act of 1974, exceed the statutory scope of the Immigration and Nationality Act (INA), misuse the generic clearance process, and fail to meet the standards of the Administrative Procedure Act (APA).</p> <p><b>Paperwork Reduction Act (PRA) Violations:</b> The proposed changes violate the PRA by failing to demonstrate that the additional data collection is necessary or minimizes the burden on the public. The PRA requires agencies to justify the utility of the information collected, but USCIS has not shown that the new data fields are relevant to adjudicating immigration benefits.</p>	<p>DHS disagrees with commenters that its collection of certain biographical and employment information is outside the scope of its legal authority. DHS has broad authority under the Immigration and Nationality Act (INA) and Homeland Security Act (HSA) of 2002, to administer immigration laws including collecting information included in this information collection. See generally, INA secs. 101, 103, 8 U.S.C. 1101, 1103; sec. 402 of the HSA. For example, INA § 287(b), 8 U.S.C. § 1357(b), and 8 C.F.R. § 287.5(a)(2) empower officers and agents to “take and consider evidence concerning the privilege of any person to enter, reenter, pass through, or reside in the United States.”</p> <p>Specific to the N-400, INA § 335, 8 U.S.C. 1446, requires “a personal investigation of the person applying for naturalization” and authorizes USCIS to take testimony “in any way affecting the admissibility of any applicant for naturalization” and to require the production of relevant documents. Additionally, the Privacy Act System of Records Notice DHS/USCIS-007 Benefit Information System, 84 FR 54622, October 10, 2019, lists current, former, and potential derivatives of requestors (family members) in its Category of Individuals Covered by the System.</p> <p>This collection is also consistent with Supreme Court rulings related to Fourth Amendment protections to the extent such protections are applicable in this context. It is not a violation of the Fourth Amendment to ask questions of an individual who is not detained and may choose whether or not to answer them. <i>See, e.g., Florida v. Royer</i>, 460 U.S. 491, 497 (1983) (citing cases). Individuals who choose to seek admission to the United States or apply for immigration benefits do so on a voluntary basis, and as such, the inclusion of particular questions on USCIS forms does not pose a Fourth Amendment concern.</p> <p>DHS also has practical utility for the collection of this information. This information collection is necessary to ensure compliance with Executive Order (E.O.) 14161, which directs the Secretary of State, in coordination with the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence to “identify all resources that may be used to ensure that all aliens seeking admission to the United States, or who are already in the United States, are vetted and screened to the maximum degree possible”. This collection will be</p>

		<p>used to conduct thorough security checks and verify applicants' identities and eligibility for the immigration benefits for which they are applying .</p> <p>USCIS disagrees that this collection of information violates the Administrative Procedure Act. USCIS' statutory and regulatory authorities permit the agency to request information necessary for determining eligibility for an immigration request. Here, USCIS is asking for additional data points to enhance vetting that it already lawfully conducts.</p> <p>The Immigration and Nationality Act authorizes USCIS to collect information needed to assess eligibility for an immigration benefit. USCIS notes that identity is always material to the immigration benefit sought, and the information collected through the biographic and employment identifiers will assist USCIS to determine identity and evaluate other information key to benefit eligibility.</p>
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**Topic 2. Compliance with the PRA**

<p>Practical Utility</p>	<p>The comments argue that the proposed data collection lacks practical utility because it is irrelevant, redundant, and does not meaningfully contribute to the adjudication of immigration benefits or national security. They emphasize that the additional data fields impose unnecessary burdens on applicants and adjudicators, increases the risk of errors and delays, and fails to meet the standards of the PRA. Commenters urge USCIS to abandon the proposed changes to ensure efficiency and fairness in the immigration process.</p> <p><b>Recommendation:</b> USCIS should only collect information that is directly relevant to determining an applicant's eligibility for immigration benefits.</p>	<p><b>Response:</b> 5 CFR 1320.9 states, "As part of an agency's submission to OMB of a proposed collection of information, the agency," in this case, USCIS, "... shall certify... that the proposed collection of information" "(a) [i]s necessary for the proper performance of the function of the agency, including that the information to be collected will have practical utility." This collection will have immediate practical utility to verify the applicant's identity and eligibility.</p> <p>DHS has practical utility to collect the information covered by the generic clearance in compliance with 5 CFR §1320.9(a). The information which will be collected – including the social security numbers of the alien and of the alien's parents, siblings, spouses, and children, as well as the business or employer name, its physical address, its mailing address and Federal Employer Identification Number (FIN) - is relevant to determining eligibility for Forms N-400, I-131, I-485, I-751, I-590, I-829, I-730, I-192 and I-589 because it will allow USCIS's national security and law enforcement partners to better vet applicants for potential information of interest that could affect eligibility and/or admissibility and that the proposed information collection is directly relevant to determining the applicant's eligibility for immigration benefits.</p> <p>The information collection contains critical data elements for identity verification and screening. USCIS has a layered approach to security, and information collected would be only one piece of a large mixture of information used in the analysis of the applicant's eligibility. Although the potential exists for an applicant to provide false or inaccurate information, the response (or lack thereof) the applicant provides in the context of the larger picture will</p>
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		<p>guide the line of inquiry pursued by the officer. The potential for inaccurate/false information does not render the collection of this information unnecessary. In addition, USCIS has established authorities to address fraud and misrepresentation on immigration benefit requests. USCIS makes case-by-case determinations based on the totality of the circumstances consistent with its authorities.</p>
<p>Duplication</p>	<p>Multiple commenters argue that requiring additional data, such as Social Security Numbers (SSNs) of family members or employer details, duplicates the information already collected and vetted during earlier processes. Commenters emphasize that this redundancy imposes unnecessary burdens on applicants without improving the adjudication process.</p>	<p><b>Response:</b> USCIS is complying with the PRA and the PRA implementing regulations and will not implement this generic information collection in a way that is duplicative. To the extent that any of the information collection instruments already include some of the information contained in the generic clearance, USCIS will combine those elements to ensure that it is not duplicating the collection.</p> <p>U.S. Government departments and agencies involved in screening and vetting, to include USCIS, identified 24 data elements that would constitute a new baseline threshold of data to be collected for improved identity verification and national security vetting. These 24 core data elements were published in the <i>Federal Register</i> at 90 FR 11326 on March 3, 2025. These six (6) new data elements are in addition to and separate from the data elements for which USCIS requested comments in the March 3, 2025, generic clearance notice, but they are also needed for further identification and national security vetting and will be added to certain immigration benefit request forms where the information is not already collected. The collection of this information is necessary to comply with Section 2 of E.O. 14161 which requires the re-establishment of a “uniform baseline for screening and vetting standards and procedures, consistent with the uniform baseline that existed on January 19, 2021, that will be used for any alien seeking a visa or immigration benefit of any kind” to ensure these foreign nationals do not represent a threat to the safety and security of the United States. Specifically, it directs relevant agencies to, “vet and screen to the maximum degree possible all aliens who intend to be admitted, enter, or are already inside the United States, particularly those aliens coming from regions or nations with identified security risks.” These nine forms cover a majority of the aforementioned pool of aliens seeking to travel to the United States and other applicants seeking immigration benefits</p> <p>Additionally, given the nature of USCIS’s mission, it is important for USCIS to ask for and review this information. All information provided by the applicant may be used to verify his or her identity, eligibility, and to vet the applicant.</p> <p>USCIS has a layered approach to security, and information collected would be only one piece of a large mixture of</p>

		<p>information used in the analysis of the applicant’s eligibility. Although the potential exists for an applicant to provide false or inaccurate information on the form, the response (or lack thereof) the applicant provides in the context of the larger picture will guide the line of inquiry pursued by the officer. The potential for inaccurate/false information does not render the collection of this information unnecessary. USCIS makes case-by-case determinations based on the totality of the circumstances consistent with its authorities.</p> <p>The information collected will help USCIS’ mission to administer the nation’s lawful immigration system. It may also be used to identify potential deception or fraud. Further, it may help detect potential threats. This new data collection may also help distinguish individuals of additional concern from those individuals whose information substantiates their eligibility for travel to or entry into the United States or immigration benefits.</p> <p>Regarding collection of social security number, this data element for the applicant/beneficiary/petitioner is preexisting for the following affected information collections: Form I-131, I-485, I-589, I-590, I-730, I-751, I-829, and N-400. Depending on the stage of the alien’s immigration journey, social security numbers may not yet be available on certain affected applications, such as on Forms I-131, I-192, I-589, I-590, I-730. Form N-400 would capture any social security numbers that would potentially be unavailable prior to the filing of this particular application.</p> <p>The collection of a social security number for family members (parent(s), spouse, sibling(s), and child(ren)) is a new data element being added to all impacted information collections and therefore is not duplicative based on the data collected on the currently approved form.</p> <p>The data elements for business/employer (name, address, and Federal Employer Identification Number) are new data elements being added to the affected information collections and, therefore, are not duplicative based on the data being collected on the currently approved form.</p>
Underestimation of Burden	<p>The commenters argue that USCIS has significantly underestimated the burden of the proposed data collection. They emphasize that the actual time, effort, and costs required to comply with the new requirements are far greater than USCIS’s estimates, particularly for vulnerable populations. Commenters urge USCIS to reassess the burden and abandon the proposed changes to avoid imposing unnecessary hardships on applicants.</p>	<p><b>Response:</b> USCIS disagrees that the estimated hour burden per response to complete these six (6) new data elements has been significantly underestimated. USCIS assessed that the estimated hour burden per response to complete these new six (6) new data elements will have an overall increase by an average of two (2) hours on each information collection. USCIS has closely reviewed the estimated average hour burden per response and the addition of these six (6) new data elements and instructional content to allow the applicant to provide the requested information, as necessary, and is confident that</p>

	<p>One commenter suggests the actual time burden could be 20 hours or more per form, especially for applicants who need to gather sensitive information from third parties</p> <p><b>Recommendation:</b> USCIS should focus on simplifying and streamlining immigration forms to reduce burdens on applicants and adjudicators, rather than adding unnecessary data fields.</p>	<p>the estimated increase in the hour burden per response for each affected information collection accurately reflects the burden imposed on the public.</p> <p>The estimated increase in hour burden per response is an overall average that may not capture every applicant's individual experience when collecting information for these six (6) new data elements, as it may take some respondents less or more time based on the amount of information to provide and research involved as applicable to the applicant. USCIS acknowledges that some respondents would take less or more time to complete the new data elements, however, to report a higher burden increase could overestimate the time burden imposed on the overall average population of respondents. With the collection of Social Security Number for family members being identifying information, this may be generally available to applicants without extensive research involved. In addition, the Business/Employer information should be readily available to the public, such as on personal tax records or publicly available sources of information.</p>
<p>Appropriateness of generic clearance</p>	<p>The comments strongly criticize USCIS's use of the generic clearance process to collect sensitive information such as SSNs, arguing that it is inappropriate for significant and controversial changes to immigration forms. They assert that this approach circumvents proper rulemaking procedures, violates the PRA, and imposes substantial burdens on applicants and adjudicators. Commenters urge USCIS to abandon the use of generic clearance for these changes and follow the formal rulemaking process to ensure transparency, accountability, and compliance with legal standards.</p> <p><b>Recommendation:</b> USCIS should not use the generic clearance process for significant and controversial changes to immigration forms. Instead, the commenters recommend USCIS follow the formal rulemaking process for substantive changes, including publishing detailed cost-benefit analyses and allowing for public input.</p>	<p><b>Response:</b> The process used by DHS to obtain this generic clearance is similar to, but no less demanding than, the process to obtain approval of any new or revised information collection as it still requires the standard 60 and 30-day notice process. In addition, a generic information collection clearance requires the same level of justification, support, analysis, and level of approval as any other information collection approved by the Office of Management and Budget under the Paperwork Reduction Act and implementing regulations.<sup>1</sup> The generic clearance is being used to propose the identified six (6) new data elements for the affected information collections, which allows for the public to review the new individual data elements that will appear on the affected information collections. This method provides a single docket for the public to provide comments on the proposed six (6) data elements and affected information collections, which reduces the burden on the public, rather than the public having to identify and comment on a separate notice and docket for nine separate proposed information collections. The use of a generic clearance also reduces burden and cost to the Federal government to publish separate Federal register notices. USCIS agrees that a generic clearance is usually used for information collections that are voluntary, low-burden, and non-controversial.<sup>2</sup> As per requirements under 44 U.S.C. 3501 et. seq. and 5 CFR 1320, USCIS believes that a generic clearance is appropriate to use for this process in order to</p>

<sup>1</sup> 44 U.S.C. chapter 35; 5 CFR Part 1320.

<sup>2</sup> 8 CFR 1320.3(c)(1); Sunstein, Cass R., *Memorandum for the Heads of Executive Departments and Agencies, and Independent Regulatory Agencies: Paperwork Reduction Act – Generic Clearances* (May 28, 2010).

		<p>make the proposed necessary changes to ensure a thorough screening and vetting process.</p> <p>USCIS is publishing a 30-day Federal Register Notice for the Generic Clearance for the New Collection of Certain Biographic and Employment Identifiers on Immigration Forms. The 60-day notice included, and the 30-day notice will include, the proposed six (6) new data elements and the programs affected on the Federal eRulemaking Portal site at: <a href="https://www.regulations.gov">https://www.regulations.gov</a> and entering USCIS-2025-0006.</p>
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**Topic 2. Compliance with the Privacy Act/Records Act/Information Security/Data Integrity**

	<p>The comments collectively raise the following key privacy concerns regarding the proposed USCIS data collection:</p> <p><b>1. Intrusion into Privacy:</b></p> <ul style="list-style-type: none"> <li>a. Requiring sensitive information, such as Social Security Numbers (SSNs) of family members and employer details, is viewed as an unnecessary and intrusive overreach.</li> <li>b. Collecting data about individuals who are not applying for immigration benefits (e.g., family members) is described as a violation of their privacy rights.</li> <li>c. Collecting SSNs of relatives and employer data raises concerns about potential misuse, including data-sharing with enforcement agencies. This could lead to enforcement actions against individuals who did not consent to the disclosure of their information.</li> </ul> <p><b>2. Violation of the Privacy Act of 1974:</b></p> <ul style="list-style-type: none"> <li>a. Many commenters expressed that the proposed data collection violates the Privacy Act of 1974, which requires that information collected by federal agencies be relevant and necessary to accomplish a clearly defined purpose. USCIS has not demonstrated how the additional data fields meet this standard, nor has it provided adequate notice to individuals about the intended use of their data or the consequences of non-compliance. Commenters argue that the lack of transparency and accountability in the proposal undermines the Privacy Act's protections and raises concerns about potential misuse of sensitive information for enforcement purposes.</li> <li>b. Many commenters cited the Privacy Act of 1974, which prohibits the government from denying benefits based on refusal to disclose an SSN. They argue that requiring SSNs of family members violates this law.</li> </ul>	<p><b>Response:</b> DHS disagrees that this information collection is an invasion of privacy. USCIS complies with the Privacy Act and DHS policy regarding collection and protection of information as required. DHS understands that information provided on its forms may be about U.S. citizens and lawful permanent residents who are covered by the Privacy Act. USCIS is authorized to perform background checks on all individuals associated with an immigration benefit petition. This includes sponsors, representatives, and family members of the individual seeking the benefit. These background checks assist in mitigating fraud and threats to national security and public safety. Any personal information gathered by DHS will only be used released in accordance with law and policy.</p> <p>The new information collected will be used and treated in the same manner as the information that is already collected on the subject forms. DHS's proposal is respectful of individual privacy and strictly adheres to Federal privacy laws and guidance and Departmental privacy policies and procedures. DHS provides public notice about collection and use of data under appropriate System of Records Notices (SORNs) published online and in the Federal Register, Privacy Impact Assessments (PIAs) posted on the DHS website, and privacy notices on DHS forms. DHS has evaluated potential privacy risks and determined that multiple published System of Record Notices (SORNs) in the Federal Register and associated Privacy Impact Assessments (PIAs) cover and apply to information gathered in this collection.</p> <p>Submission of information to DHS for an immigration benefit is a voluntary action and information provided on the form is provided by the individual completing the form. Third-party information, such as that of family members and associates, is provided by the individual applicant for lawful purposes and is often needed to determine identity and eligibility for a request. For example, individuals who present a threat to national security or public safety are not eligible to travel to the United States under certain travel programs and may be</p>
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c. Forcing applicants to provide third-party information without consent is seen as a breach of privacy protections.

inadmissible to the United States. U.S. immigration laws preclude DHS from granting immigration and naturalization benefits to individuals with certain disqualifying characteristics including association with terrorist organizations. See, e.g., INA § 208(b)(2)(A), 8 U.S.C. § 1158(b)(2)(A) (mandatory bars to asylum); INA § 214, 8 U.S.C. § 1184 (admission of nonimmigrants); INA § 212(a), 8 U.S.C. § 1182(a) (inadmissible aliens); INA § 215, 8 U.S.C. § 1185 (travel control of citizens and aliens); INA § 217, 8 U.S.C. § 1187 (Visa Waiver Program eligibility determination); INA § 245(a)(2), 8 U.S.C. § 1255(a)(2) (admissibility requirements for adjustment of status applicants and agency discretion); and INA § 316(a)(3), 8 U.S.C. § 1427(a)(3) (good moral character requirement for naturalization). A uniform baseline of data fields, and screening and vetting standards will assist DHS in making sure that these requirements are met.

Federal laws, including the Immigration and Nationality Act (INA) and Homeland Security Act of 2002, provide authority for this information collection. For example, INA § 287(b), 8 U.S.C. § 1357(b), and 8 C.F.R. § 287.5(a)(2) empower officers and agents to “take and consider evidence concerning the privilege of any person to enter, reenter, pass through, or reside in the United States.” Specific to the N-400, INA § 335, 8 U.S.C. 1446, requires “a personal investigation of the person applying of naturalization” and authorizes USCIS to take testimony “in any way affecting the admissibility of any applicant for naturalization” and to require the production of relevant documents.

DHS takes the protection and security of all Personally Identifiable Information (PII), including related to third parties, very seriously and strictly adheres to Federal privacy laws and guidance and Departmental policies and procedures for protecting PII, including adhering to federal information technology data protection standards. USCIS takes precautions to maintain the security, confidentiality, and integrity of the information collected. Safeguards include controls that limit access of the information to only authorized users. These safeguards employ advanced security technologies to protect the information stored on our systems from unauthorized access. To ensure compliance with these policies, USCIS personnel complete training on the use of information systems and sign the Rules of Behavior before any computer use and annually thereafter.

The data collected by USCIS will be safeguarded and stored in accordance with the following privacy SORNs and Privacy Impact Assessments, respectively: DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, see 82 FR 43556 (September 18, 2017), DHS/USCIS-006 Fraud Detection and National Security Records, See 77 FR 47411 (August

		<p>8, 2012), DHS/USCIS-007 Benefits Information System, see 84 FR 54622 (October 10, 2019), DHS/USCIS-010 Asylum Information and Pre-Screening System of Records, See 80 FR 74781 (November 30, 2015), DHS/USCIS-017 Refugee Case Processing and Security Screening Information System of Records, See 81 FR 72075 (October 19, 2016), and DHS/USCIS-018 Immigration Biometric and Background Check, See 83 FR 36950 (July 31, 2018, and the Privacy Impact Assessments: DHS/USCIS/PIA-003(b) Integrated Digitization Document Management Program (IDDMP), DHS/USCIS/PIA-013-01 Fraud Detection and National Security Directorate, DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems, DHS/USCIS/PIA-027 USCIS Asylum Division, DHS/USCIS/PIA-051 Case and Activity Management for International Operations (CAMINO), DHS/USCIS/PIA-056 USCIS Electronic Immigration System (USCIS ELIS), DHS/USCIS/PIA-064 myUSCIS, DHS/USCIS/PIA-068 Refugee Case Processing and Security Vetting, DHS/USCIS/PIA-079 Content Management Services (CMS), and DHS/USCIS/PIA-071 myUSCIS Account Experience, which covers the electronic submission of forms to USCIS. All documents are available at: <a href="https://www.dhs.gov/system-records-notice-sorns">https://www.dhs.gov/system-records-notice-sorns</a> and <a href="https://www.dhs.gov/uscis-pias-and-sorns">https://www.dhs.gov/uscis-pias-and-sorns</a>.</p> <p>DHS staff also follow applicable law and policy when redacting or releasing information in response to FOIA requests.</p> <p>USCIS officers are aware that there may be data integrity issues with any information collected on its forms, including some may inadvertently be inaccurate, out of date, or otherwise compromised. USCIS verifies information provided by various means and considers the totality of evidence before making a final determination on a case. In many instances, applicants are provided notice and opportunity to explain any information that may be inconsistent or deficient.</p>
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<b>Topic 3. Administrative Procedure Act (APA) Concerns:</b>		
	<p>The proposal is criticized as arbitrary and capricious under the Administrative Procedure Act (APA) because USCIS has not provided a clear or reasoned explanation for the necessity of collecting additional data. Agencies are required to justify their decisions with evidence, but USCIS has failed to demonstrate how the proposed data fields improve vetting or adjudication processes. Additionally, the proposal does not align with existing statutory mandates, lacks transparency, and disregards the burdens imposed on applicants, raising concerns about administrative overreach and failure to meet APA standards for reasoned decision-making.</p>	<p><b>Response:</b> DHS disagrees with the commenters as the justification has been provided in the Notice explaining that the need for this information aligns with EO 14161 in completing rigorous vetting and screening of all applicants in order to protect the U.S. from national security and public safety threats. USCIS' statutory and regulatory authorities permit the agency to request information necessary for determining eligibility for an immigration request.</p> <p>The Immigration and Nationality Act authorizes USCIS to collect information needed to assess eligibility for an immigration benefit. USCIS notes that identity is always material to the immigration benefit sought, and the</p>



		information collected through the biographic and employment identifiers will assist USCIS to determine identity and evaluate other information key to benefit eligibility.
<b>Topic 4. Impacts on Immigration Benefit Processing</b>		
Delay Benefit Processing	<p>The comments argue that the proposed data collection will significantly delay benefit processing due to:</p> <ol style="list-style-type: none"> <li><b>1. Increased Complexity:</b> Longer, more complex forms will take applicants more time to complete and lead to more errors and omissions.</li> <li><b>2. Requests for Evidence (RFEs):</b> Applicants may struggle to provide sensitive third-party information (e.g., family members' SSNs), resulting in RFEs, denials, and re-filings.</li> <li><b>3. Burden on Adjudicators:</b> Adjudicators will face heavier workloads reviewing irrelevant or redundant data, worsening backlogs and slowing processing times.</li> <li><b>4. Cumulative Impact:</b> Multiple recent changes to forms compound delays, which USCIS has failed to account for.</li> </ol> <p>The comments emphasize that these delays will harm applicants, overburden adjudicators, and undermine the efficiency of the immigration system.</p>	<p><b>Response:</b> USCIS believes adding questions will not increase the agency's processing time in many situations. While the collection of these new data elements will add some work for USCIS, the new data elements will help USCIS validate information is correctly associated with the applicant in relevant systems and will provide trained DHS adjudication personnel with more timely access to relevant information, all of which may reduce unnecessary delays and costs by allowing timelier confirmation of an applicant's identity and/or benefit eligibility. Through efficient collaboration and information sharing, over time, the government's burden may decrease.</p>
Deter Immigration	<p>The comments argue that the proposed data collection will deter immigration by creating unnecessary barriers, particularly for mixed-status families, vulnerable populations, and lawful permanent residents seeking naturalization. Fear of enforcement actions, increased complexity, and burdensome requirements discourage eligible individuals from applying for benefits.</p>	<p><b>Response:</b> USCIS seeks to balance its national security, public safety, and fraud missions with the provision of immigration benefits to eligible aliens. While we recognize that this collection may influence the decisions of a limited number of immigration benefit seekers, USCIS' top priority is the safety and security of the American people. USCIS does not seek to unnecessarily burden applicants but rather seeks to obtain all information necessary to maintain a robust and dynamic screening system. Additionally, DHS does not anticipate that the collection of this additional information will significantly affect processing times for most applicants. The United States will continue to attract the best and brightest to our shores.</p>
<b>Topic 5. Constitutional Issues</b>		
Fifth Amendment i. Due Process	<p>The proposed collection of Social Security Numbers (SSNs) and other biographic and employment information on immigration forms raises Fifth Amendment and due process concerns. The comments argue that the policy imposes unjust and discriminatory procedural burdens on applicants without adequate justification, explanation, or opportunity to contest or remedy these demands. Vulnerable populations, such as survivors of domestic violence, human trafficking, and asylum seekers, face disproportionate challenges in providing the required information, violating their right to fair and meaningful procedures. Additionally, the</p>	<p><b>Response:</b> The Fifth Amendment states "No person shall be...deprived of life, liberty, or property, without due process of law...". USCIS believes the additional data elements in this collection are reasonable to obtain and are not insurmountable. USCIS is already authorized to collect information on family members as part of the application process, and DHS uses this information for determining eligibility and to assess and identify potential fraud, national security, and public safety threats. Additionally, USCIS maintains and stores all collected information in accordance with federal regulatory,</p>

	<p>proposal is arbitrary and capricious, lacking a reasoned explanation, failing to examine relevant data, and disregarding adverse consequences, which undermines constitutional due process protections.</p>	<p>statutory, departmental, and component privacy requirements, mandate, directives, and policy.</p> <p>The Fifth amendment prohibition against self-incrimination applies to proceedings in which the Government seeks to compel testimony that a witness reasonably believes could be used against him or her in a state or federal criminal proceeding. The risk that the testimony might subject the witness to deportation or other civil consequences (such as, here, denial of an immigration benefit) is not a sufficient ground for asserting the privilege. See <i>United States v. Balsys</i>, 524 U.S. 666, 671–72 (1998). Despite the inapplicability of the Fifth Amendment in this situation, DHS is not requiring individuals to incriminate themselves by responding with this information on USCIS forms. Filing for immigration benefits and including requested information is a voluntary action by an individual. Details about the use of provided information by the government are explained in SORNs, PIAs and the DHS Privacy Notice provided on every USCIS form.</p> <p>The Immigration and Nationality Act authorizes USCIS to collect information needed to assess eligibility for an immigration benefit. USCIS notes that identity is always material to the immigration benefit sought, and the information collected through the biographic and employment identifiers will assist USCIS to determine identity and evaluate other information key to benefit eligibility. The goal is to enhance screening and vetting to mitigate potential national security, public safety and fraud concerns. Gathering potential useful information is an essential step in the process of enhancing screening and vetting. SSNs are a unique identifier that can contribute to positive identification of individuals with a nexus to national security, public safety concerns, and fraud concerns. Additionally, definitively identifying family members on current filings will assist in identifying potential fraud in future filings by the applicant or listed family member.</p>
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**Topic 6. Waste of Taxpayer Dollars**

	<p>The comments argue that the proposal wastes taxpayer dollars by requiring unnecessary data collection, such as Social Security Numbers (SSNs) of family members and employer details, which creates excessive paperwork and administrative delays. This inefficiency diverts government resources toward processing irrelevant or redundant information, which does not improve national security or adjudication processing. Commenters urge USCIS to withdraw the proposal to avoid unnecessary expenditures and inefficiencies.</p>	<p><b>Response:</b> DHS disagrees with these comments that characterize this collection as wasteful. Regarding tax dollars, and unlike many other federal agencies, USCIS is primarily (approximately 96%) fee-funded, meaning its operations are funded by fees paid by applicants for immigration or naturalization benefits, rather than taxpayer money. Fees collected by USCIS are deposited into the Immigration Examinations Fee Account (IEFA), which is a special fund in the Treasury of the United States used to cover the costs associated with providing immigration and naturalization benefits, such as adjudicating immigration benefit requests, conducting interviews, and screening and vetting. Congress provides a small portion (approximately 4%) of the USCIS budget</p>
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		<p>through appropriations, typically for activities like employment verification and civic integration.</p> <p>Comments concerning an increase in burden on applicants and concerns that this data collection is unnecessary and duplicative have been responded to in other sections.</p>
<b>Topic 7. Discrimination/Vulnerable Populations</b>		
	<p>The comments argue that the proposed collection of additional biographic and employment information is disproportionately impacts marginalized and vulnerable populations, including elderly, disabled, low-income, limited English-proficient applicants, and those from mixed-status households. These groups often face significant barriers in accessing required information, such as Social Security Numbers (SSNs) of family members or employer details, due to estrangement, trauma, safety issues, or precarious immigration statuses. These requirements exacerbate existing inequalities and create significant barriers for marginalized groups, deterring eligible applicants from seeking immigration benefits.</p> <p>The proposal is described as prejudicial and retaliatory, as it holds applicants accountable for information about family members who have no bearing on their eligibility for immigration benefits. Forcing applicants to disclose sensitive data about relatives or employers creates risks of harm, surveillance, and enforcement actions against third parties, which disproportionately affects marginalized communities. Commenters emphasize that these burdens are unnecessary, harmful, and disproportionately affect those most in need of protection and relief.</p>	<p><b>Response:</b> DHS disagrees with commenters who believe the collection of additional biographic and employment information disproportionately impacts vulnerable populations. The collection of this information will be used to help administer and enforce our immigration laws. Information relating to family members as well as employers is essential to complete the vetting process that would ultimately effect whether the alien is eligible for immigration benefits.</p> <p>As indicated in the above responses, DHS handles all information collected through DHS applications according to relevant System of Records Notices (SORN) and Privacy Impact Assessments (PIA), available on the DHS website (<a href="http://www.dhs.gov/privacy">www.dhs.gov/privacy</a>).</p> <p>DHS is committed to the highest standards of conduct, especially when it comes to the fair, unbiased, and transparent enforcement of our mission responsibilities. The collection of this additional information will be used to help enforce our immigration laws by assisting in the adjudication of eligibility to travel to or be admitted to the United States or be granted an immigration-related benefit. Existing DHS policy prohibits the consideration of race or ethnicity in our investigation, screening, and enforcement activities in all but the most exceptional instances. This policy is reaffirmed in manuals, policies, directives, and guidelines. Existing DHS policy also prohibits profiling, targeting, or discrimination against any individual for exercising his or her First Amendment rights.</p>
<b>Topic 8. Out of Scope</b>		
	<p>Several comments were out of scope for the proposed collection because they did not provide feedback on the nature of the proposed collection. One commenter included comments on the Generic Clearance for the new collection of certain information on immigration forms.</p>	<p><b>Response:</b> These comments are out of scope for the proposed generic clearance of the intended information collection because they do not provide feedback on the nature of the proposed generic clearance or the actual information collection instruments affected.</p>