

Form I-140G-002 - Responses to 60-day FRN Public Comments

Public Comments (regulations.gov): [USCIS-2025-0502](https://www.regulations.gov/document/USCIS-2025-0502)

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Publish Dates: March 10, 2026 – May 11, 2026

Comment ID	Topic	Comment Summary	USCIS Response
Topic 1. Evidence Required			
0007		On Form I-140-G, at Part 8, "Attestation of Corporate Petitioner's Authorized Official", consider adding documentation requirements for the corporation to provide. Use Standard Form 328, "Certificate Pertaining to Foreign Interests" (OMB Control Number 0704-0579) and its Instructions as a guide for what documentation the Department of Commerce can require when examining the truth of the statements being made on Form I-140-G.	<p>Response: Regarding the suggestion to include additional documentation requirements for corporate petitioners and to use Standard Form 328 as a model, Form I-140G is designed to collect the information necessary to determine eligibility for an immigrant visa under the Gold Card program established by Executive Order 14351.</p> <p>Similar to Form I-140, Immigrant Petition for Alien Workers, the attestation in Part 8 is structured to ensure that the corporate petitioner's authorized official certifies, under penalty of perjury, the accuracy of the information provided without requiring submission of a separate, government-wide form that was developed for other programs and under different authorities.</p> <p>In addition, it is not clear from the commenter's suggestion what aspects of Form 328 the commenter considers appropriate or relevant to incorporate in the I-140G information collection.</p> <p>Accordingly, USCIS does not intend to require submission of Standard Form 328 or to replicate it in full within Form I-140G as it is not necessary for this form.</p>
Topic 2. Admissibility Questions			
0010 0011		Two commenters stated that the form introduces inadmissibility questions typically assessed at later stages, such as the visa or adjustment stage, without clarifying their legal effect at the petition stage.	<p>Response: The purpose of Form I-140G is to determine eligibility for classification under the Gold Card program. In some instances, information relevant to later admissibility determinations is also relevant to USCIS's assessment of statutory and program-integrity criteria at the petition stage, including conducting screening for public safety and national security concerns, consistent with Executive Order 14351.</p> <p>Immigrant visas issued under the Gold Card Program are approved under the existing EB-1 Extraordinary Ability or EB-2 Exceptional Ability categories. Therefore, USCIS notes that a petition approval does not itself constitute a final determination on admissibility, which is made at the time of visa issuance and admission.</p>
Topic 3. Adjustment of Status			
0009 0010 0011		One commenter asked the following question: can somebody in the United States file an adjustment of status at same time as submitting I-140G (or after I-140G approval), or do they need to do consular processing after I-140G approval?	<p>Response: As indicated on the Form I-140G Instructions, Form I-140G is the first step in the Gold Card process. Once the petition is approved and an immigrant visa number is available in the applicable employment-based classification, the principal beneficiary (and any accompanying spouse or children, as defined under the Immigration and Nationality Act (INA), included in the petition) must complete immigrant visa processing at a</p>

	<p>Another commenter included that this form requires applicants to designate a consular post while simultaneously requesting information about U.S. admission and current status, without clarifying whether consular processing or adjustment of status applies. Although the governing Executive Order contemplates both, the form offers no guidance on how adjustment cases are handled.</p> <p>Another commenter highlighted Part 4 as having conflicting guidance regarding consular processing versus adjustment pathways.</p>	<p>U.S. embassy or consulate abroad before being admitted into the United States as a lawful permanent resident. At this time the Gold Card program does not include adjustment of status in the United States.</p>
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Topic 4. Operational Issues

<p>0010 0011</p>	<p>Commenters highlighted the following operational issues with the revised form:</p> <p>I. General Form Considerations: The revised form contains substantial operational defects that will confuse filers, increase error rates, delay adjudications, and produce inconsistent outcomes. The form lacks internal coherence and basic explanatory guidance. It collects information without explaining relevance, relies on inconsistent cross references, and deviates from established immigration processes.</p> <p>II. Funds Transfer Provisions: Provisions allowing reuse of funds from prior petitions lack explanation of how transfers function or how visa numbers are allocated, creating operational and statutory ambiguity.</p> <p>III. Corporate Entity Identification (Part 2): No clear field or instructions for identifying the corporate entity supplying funds.</p>	<p>Response:</p> <p>I. General Form Considerations DHS disagrees that the revised form reflects “substantial operational defects” or “lacks internal coherence and basic explanatory guidance” and “relies on inconsistent cross references” without specific examples. USCIS identified one cross-reference error in the instructions, Part 1., and will correct it. Information collection instruments, such as forms, are designed to collect information relevant to the adjudication of a benefit to which they relate. Form I-140G instructions focus on assisting respondents in completing the information collection. The informational elements being collected have practical utility to the adjudication of immigrant petitions under the Gold Card program, consistent with EO 14351, and the revised Form I-140G is in compliance with the Paperwork Reduction Act (PRA).</p> <p>II. Funds Transfer Provisions: The Gold Card program’s payment structure and any permitted reuse of funds are grounded in the program design established by Executive Order 14351 and associated implementation decisions. Form I-140G collects information needed to implement that design and to account for payments. Questions regarding the allocation of visa number are outside the scope of this proposed revision to the approved information collection.</p> <p>III. Corporate Entity Identification (Part 2): A commenter stated, “No clear field or instructions for identifying the corporate entity supplying funds.” The commenter did not identify any specific deficiencies and did not suggest any specific changes. USCIS believes that the information collected with respect to corporate petitioners is sufficient. USCIS also notes that the identifying information requested on Form I-140G is similar to the information requested on Form I-140,</p>
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Topic 5. Adjudicative Issues

<p>0010 0011</p>		<p>Commenters highlighted the following adjudicative issues with the revised form:</p> <p>I. Lack of Clear Adjudicative Purpose: Several questions lack articulated adjudicative purpose, including requests for a “commemorative plaque” and disclosure of foreign government ownership and physical addresses, without guidance on evaluation or use.</p> <p>II. Missing Information and Evaluation Criteria: The form omits basic and customary information, including the petitioner's physical address, business classification, and the beneficiary's role, undermining any assessment of business legitimacy or sponsorship rationale. It also fails to clarify whether adverse responses trigger mandatory denial or discretionary review.</p>	<p>Response:</p> <p>I. Lack of Clear Adjudicative Purpose: Information collection elements on Form I-140G have practical utility under the Paperwork Reduction Act and implementing regulations as they serve multiple functions, including adjudication of eligibility, program integrity, and reporting requirements associated with the Gold Card program consistent with EO 14351.</p> <p>For example, information on foreign government ownership and physical locations are relevant to national security, fraud detection, and program integrity.</p> <p>The “commemorative plaque” question provides the petitioner with an option to request a plaque commemorating the beneficiary's approval under the Gold Card Program and serves no other purpose.</p> <p>II. Missing Information and Evaluation Criteria: The proposed revision to the Form I-140G information collection includes information necessary to the adjudication of immigrant petitions under the Gold Card program pursuant to EO 14351. The commenter's observation re: the denial/rejection criteria is outside the scope of this proposed revision.</p>
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Topic 6. Payment Structure			
0010 0011		<p>Commenters highlighted the following adjudicative issues with the revised form:</p> <p>I. Payment Structure: The payment structure is fragmented and departs from standard USCIS intake, requiring multiple payments to another agency at different stages without explaining fee recovery, increasing the risk of error and delay.</p> <p>II. Cryptocurrency: Cryptocurrency evidentiary standards are vague. This section identifies broad documentation categories but omits clear traceability standards.</p>	<p>Response:</p> <p>I. Payment Structure: The Gold Card program’s payment framework reflects the multi-agency program design established by Executive Order 14351 and also reflects the unrestricted gift eligibility criteria.</p> <p>II. Cryptocurrency: USCIS agrees that clear evidentiary standards are important where cryptocurrency is used to demonstrate source of funds.</p> <p>Based on its experience with cryptocurrency funds in other investment-related immigration categories, USCIS believes this proposed form currently gathers sufficient information related to cryptocurrency.</p>
Topic 7. General Form Issues			
0010 0011	Format Issues	<p>Commenters highlighted the following format issues with the revised form:</p> <p>I. Internal Cross-References:</p> <ul style="list-style-type: none"> ▪ Cross references frequently do not align, directing filers to the incorrect parts or items. ▪ Instructions, particularly in Part 3, contain inconsistent and incorrect cross-references. <p>II. Question Sequencing: Order of questions is disorganized, and key sections appear before any substantive explanation of relevant options.</p> <p>III. Quality Control Deficiencies in Form: These issues reinforce concerns that the form is not ready for implementation.</p> <ul style="list-style-type: none"> ▪ Inconsistent terminology for payment; ▪ Grammatical errors; and ▪ Conflicting document dates. 	<p>Response: USCIS appreciates the commenters’ attempts to identify format and quality control issues, including internal cross-references, sequencing, terminology, and grammatical errors.</p> <p>I. Internal Cross-References and Instructions USCIS identified one cross-reference error in the instructions, Part 1., and will correct it. USCIS verified that the remaining cross-references in the form and instructions are correct.</p> <p>II. Question Sequencing USCIS reviewed the order of questions and the structure of the instructions and disagrees that the order of questions is disorganized as the information collected has a logical flow because it groups related questions together and provides sufficient explanatory text for most filers.</p> <p>III. Quality Control Deficiencies The commenters provided no specific examples of inconsistent terminology or grammatical errors in the proposed revisions. However, USCIS will review and correct any grammatical errors and resolve conflicting document dates prior to finalizing the form.</p>
Topic 8. General Support and Concerns			
0008	Support	<p>Support for Proposed Revisions: Changes in information use would make the Gold Card Program application process more understandable, clear, and useful. Updating forms and data collection would improve the efficiency of the application process.</p>	<p>Response: USCIS appreciates the positive feedback and comments.</p>

<p>0008</p>	<p>Concerns</p>	<p>Burden Concerns:</p> <ul style="list-style-type: none"> ▪ Application process may be too time-consuming and complex for immigrants. The notice indicates the process could take several hours, which may be difficult for applicants, especially those with limited English proficiency. ▪ A simplified application process would minimize long hours and the chance of mistakes. This would make the process more equitable for all individuals. ▪ If the process were simpler, it would reduce errors and time spent, making the application more equitable. <p>Recommendations:</p> <ul style="list-style-type: none"> ▪ USCIS should consider shortening the application process for individuals unable to complete lengthy procedures. ▪ Provide additional assistance to individuals to make form completion more accessible. 	<p>Response: The estimated hour burden per response of five hours is an overall average that may not capture every respondent's individual experience when collecting this information. USCIS acknowledges that some respondents would take less or more time to complete the information collection based on the amount of information being provided and research involved as applicable to the petitioner, however, to report a higher or lower burden increase could incorrectly estimate the time burden imposed on the overall average population of respondents.</p> <p>In response to the comment on the simplified application process, this revision streamlines the structure of the form in preparation for guided electronic filing (e-filing) capability for Form I-140G, which includes consolidating certain sections, separating certain sections for efficient collection of information, and reformatting and reordering certain sections in the form. In addition, the form instructions were expanded to include clarifying edits and further instructional information to assist in completing the form. Availability of guided e-filing of Form I-140G will provide a streamlined, further simplified, process for access and submission of this information collection. For assistance with your Form I-140G petition, the form instructions include to log into your USCIS Online Account at https://myaccount.uscis.gov/sign-in and send a secure message about your issue.</p> <p>In response to shortening the application process, USCIS determined that the information collected on this form has practical utility and is necessary to comply with Executive Order 14351, The Gold Card.</p>
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