

**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 an alien as an act of prosecutorial discretion. For aliens 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 U.S. Citizenship and Immigration Services (USCIS). The Form G-325A collects biographic information and a statement from the alien 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 an alien seeks to be employed in the United States they must apply to 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 an alien uses the Form G-325A to concurrently request employment authorization and an EAD, the alien 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). The Department of Homeland Security (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.

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 individuals requesting deferred action or 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.

USCIS uses Form G-325A to collect biographic information from certain aliens requesting deferred action, including a statement 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 aliens requesting deferred action, such as those USCIS has not previously collected biometrics in connection with an underlying application or petition, to verify the alien's identity, check or update their background information, and produce the EAD.

To meet the standards of EO 14168, Section 2 and 3, USCIS will update Form G-325A to reflect the EO definitions when collecting information from individuals who submit requests for deferred action or immigration benefits. 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 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 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. At this time, the collection of information does not include an electronic submission option.

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 aliens 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.

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.

There is no assurance of confidentiality provided to respondents¹.

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:

- **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**

¹Requestors 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.

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 (=CxD)	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
Total				7,500		17,925		\$778,841

* 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 1st 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.**

To meet the standards of EO 14168, Section 2 and 3, USCIS will update Form G-325A to

reflect the EO definitions when collecting information from individuals who submit requests for deferred action or immigration benefits. 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.