

**CENTER FOR
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Submitted via regulations.gov

Samantha Deshommes, Chief Regulatory Officer
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: Notice of Proposed Rulemaking, *Collection and Use of Biometrics by U.S. Citizenship and Immigration Services* (CIS No. 2814-25; DHS Docket No. USCIS-2025-0205).

Dear Chief Deshommes:

The Center for Strategy and Applied Insights at Fragomen (the Center) appreciates the opportunity to comment on the Department of Homeland Security's (DHS or Department) notice of proposed rulemaking (NPRM) titled "Collection and Use of Biometrics by U.S. Citizenship and Immigration Services."¹

Drawing on lessons learned from the Fragomen firm's long experience as an immigration advisor to employers in the United States and around the world, the Center seeks to identify and analyze issues and trends key in immigration systems, and to offer insight-based suggestions to help those systems function fairly, transparently, and efficiently.

The Center recognizes the broad privacy concerns raised by the NPRM's proposal to collect and store highly sensitive biometric data. We are equally concerned about the operational implications of a dramatic increase in biometrics appointments and their impact on USCIS backlogs and processing times. Other commenters will have addressed those concerns in depth. This comment focuses on the NPRM's overreach in authorizing the agency to require biometrics

¹ Collection and Use of Biometrics by U.S. Citizenship and Immigration Services, 90 Fed. Reg. 49062 (proposed Nov. 3, 2025) (to be codified at 8 C.F.R. pts. 1, 103, 204, 207, 208, 209, 210, 212, 214, 215, 216, 235, 236, 240, 244, 245, 245a, 264, 287, 333, and 335).

from corporate signatories of employment-based petitions.² These individuals are not applicants for immigration benefits and should not be subject to personal vetting procedures such as fingerprinting. For the reasons outlined below, the Center urges DHS to clarify that corporate signatories of employment-based petitions will not be subject to biometrics requirements.

The NPRM's Biometrics Requirements for Corporate Signatories is Unjustified and Exceeds Statutory Authority

Requiring biometrics for corporate signatories of employment-based petitions is legally questionable and unjustified as a matter of policy. Requiring human resources (HR) representatives, company officials, or other corporate signatories to submit to biometrics collection would significantly expand USCIS authority without a clear statutory basis, and it would stray far beyond the reasons for biometrics collection in immigration adjudications. Under 8 C.F.R. § 103.2(a)(2), the requirement to sign a petition is in place to certify the truthfulness of the information submitted in support of the benefit request. Once the truthfulness of that information has been certified – with serious penalties available if it turns out not to be truthful – the role of the signatory has been fulfilled. That signatory is not himself or herself seeking an immigration benefit. Rather, it is the certified *information* that then must be tested, including through personal vetting or background checks of the beneficiary. Mandating collection of the biometric information of the petition's *signatory*, to base vetting of that person, is beside the point and inappropriate to the agency's carrying out of its adjudicatory responsibilities under the statute.

The USCIS Policy Manual confirms that biometrics are typically collected from the beneficiaries of immigration requests, for identity verification and security screening.³ The NPRM proposes to extend this to any individual “associated with” a benefit request, including signatories who are typically U.S. citizens and who are not seeking immigration benefits themselves.

The NPRM's proposed expansion lacks a demonstrated policy rationale. DHS has not provided any evidence that collecting biometrics from signatories enhances fraud prevention or national security. The NPRM merely states that biometrics may be required from any individual “associated with” a request, without distinguishing between beneficiaries and applicants, those whose admissibility is actually at issue, and corporate signatories. Existing safeguards, such as attestations under penalty of perjury and document retention requirements, already provide robust and sufficient accountability for the point at issue: the truthfulness of the information provided, and enforceability if it is not truthful. Additionally, subjecting HR staff to biometrics requirements could deter employers from petitioning for needed workers, especially in smaller

² Corporate employment-based petition signatories are individuals authorized to sign immigration benefit requests, such as Form I-140 (Petition for Alien Worker), on behalf of a company or other legal entity sponsoring a foreign national for employment in the United States. They typically include executive officers (such as a Chief Executive Officer or Chief Financial Officer), human resources directors or managers, business owners, or other authorized representatives.

³ U.S. Citizenship & Immigration Servs., USCIS Policy Manual, Vol. 1: General Policies & Procedures, Pt. C, Ch. 1: Purpose & Background, <https://www.uscis.gov/policy-manual/volume-1-part-c-chapter-1>

organizations where HR staff may be unwilling or unable to comply with invasive procedures unrelated to their job function. Without a clear legal mandate or compelling policy justification, this NPRM imposes an undue burden and risks undermining the accessibility and efficiency of employment-based immigration processes.

Biometric Vetting of Corporate Signatories Invades Privacy Without Justification and Steps on Federalism

Requiring corporate representatives who sign petitions on behalf of their employers to submit personal biometrics is a profound overreach of federal authority that neither enhances national security nor advances the integrity of the immigration system. When a corporate signatory executes a petition, she is acting not in her personal capacity, but as an agent of her employer—certifying information as a matter of corporate compliance, not individual benefit. The imposition of a biometric collection obligation on such individuals therefore misconstrues the nature of corporate representation and subjects private citizens to unnecessary federal data collection divorced from any immigration benefit.

The security objectives that DHS purports to serve could be far more effectively and lawfully achieved by secure, auditable digital and electronic signature systems—such as those detailed in the Center for Strategy and Applied Insights at Fragomen’s Petition for Rulemaking on Digital and Electronic Signatures (October 31, 2025).⁴ Electronic signature technology can verify the identity of a corporate signer with cryptographic precision, generate immutable audit trails, and integrate seamlessly into USCIS’s evolving digital infrastructure—all without invading the privacy of U.S. citizens performing ministerial corporate acts. It is certainly wise to seek out reasonable steps to improve the integrity of employment-based immigration processes; catching up the digital signature process to 2026 technology normalities would be a far more effective step toward that goal than a cumbersome, misdirected campaign for background checks of corporate signatories.

Indeed, American federalism principles recognize that databases containing citizens’ biometric information are generally administered at the state level for limited, enumerated purposes such as licensing or criminal identification—not compiled federally absent a compelling and narrowly tailored justification.⁵ DHS’s proposal to sweep ordinary business signatories into a national biometric registry thus represents an unwarranted federal intrusion into the personal data of citizens and a dangerous precedent for the expansion of centralized biometric surveillance.

The NPRM’s Economic Analysis is Incomplete and Unsupported

The economic analysis in the NPRM fails to meet the standards required for economically significant rules. Such rules must be supported by a clear statement of need, a thorough

⁴ See <https://www.fragomen.com/a/web/gP5AqooGi5UNqNv3cVCDwm/csai-pfr-signatures-103125.pdf>

⁵ Ariana Naranjo, U.S. Biometric Data Laws, TCW Global (Apr. 1, 2025), <https://www.tcwglobal.com/blog/u.s.-biometric-data-law> (noting that “[i]n the United States, there is currently no federal law specifically governing the collection, use, storage, or disclosure of biometric data”).

examination of alternative approaches, and a detailed benefit-cost analysis.⁶ The NPRM's economic analysis is notably deficient. The NPRM's cost estimates are incomplete, as they do not include even such obvious indirect costs as lost productivity, travel expenses, and time burdens for individuals attending biometric appointments. Likewise, the NPRM fails to account for similar employer costs, especially for corporate signatories who may be required to submit biometrics. Nor does the NPRM address at all the government-side administrative costs associated with scaling up USCIS's capacity and infrastructure, including staffing, equipment, and data storage costs. Lastly, the NPRM does not adequately evaluate or assess alternatives that may be less burdensome than "requir[ing] submission of biometrics by any individual, regardless of age, filing *or associated with* an immigration benefit request, other request, or collection of information."⁷

Conclusion

In finalizing this rule, DHS should clarify that corporate signatories of employment-based petitions will not be subject to the biometrics requirements.

Respectfully,

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⁶ Exec. Order No. 12,866, 58 FR 51,735 (Oct. 4, 1993).

⁷ NPRM at 49063 (emphasis added).