

## **SUPPORTING STATEMENT**

### **Application Requirements for the Adjustment of Status**

**under Section 586 of Public Law 106-249**

**No Form Number (*File No. OMB-27*)**

**OMB No. 1615-0081**

#### **A. Justification.**

1. Section 586 of Public Law 106-429, Foreign Operations Appropriations Act of 2001, provides for the adjustment of status of certain aliens from Vietnam, Cambodia, and Laos in the United States. Section 586 uses the Form I-485, Application to Register Permanent Residence or Adjust Status (1615-0023), and the previously authorized information collections therein to determine eligibility for this benefit. However, section 586 does contain a date-specific physical presence requirement that is not covered by Form I-485 and is necessary in order for U.S. Citizenship and Immigration Services (USCIS) to make a determination that the applicant meets the eligibility requirements for adjustment of status under section 586. Upon approval of the Form I-485, the alien is a lawful permanent resident and USCIS will issue a Form I-551, Permanent Resident Card.
2. The data collected is used by USCIS to determine eligibility for the requested immigration benefit. The form serves the purpose of standardizing requests for the benefit, and will ensure that all applicants provide the basic information required to assess eligibility.

3. Electronic filing is not possible for this information collection because it covers the submission of various documents to an adjudicator establishing physical presence. Examples of these documents include school records, military records, utility bills, medical records, deeds, mortgages, contracts, insurance policies, receipts, or attestations by churches, unions, or other organizations.
4. A review of the forms inventory report revealed no duplication of effort, and there is no other similar information currently available which can be used for this purpose.
5. This collection of information does not have an impact on small businesses or other small entities.
6. If the information is not collected, USCIS will be unable to determine if an applicant is eligible for the benefits available to certain aliens under section 586.
7. The special circumstances contained in Item 7 of the Supporting Statement are not applicable to this information collection.
8. USCIS published 60-Day Notice of Information Collection Under Review: Application Requirements for the Adjustment of Status Under Section 586 of

Public Law 106-249 on December 14, 2005 at 70 FR 74028. No comments were received.

9. USCIS does not provide payment or gifts to respondents in exchange for a benefit sought.

10. There is no assurance of confidentiality.

11. There are no questions of a sensitive nature.

12. Annual Reporting Burden:

|    |                                    |           |
|----|------------------------------------|-----------|
| a. | Number of Respondents              | 5,000     |
| b. | Number of Responses per Respondent | 1         |
| c. | Total Annual Responses             | 5,000     |
| d. | Hours per Response                 | .5        |
| e. | Total Annual Reporting Burden      | 2,500     |
| f. | Total Public Cost                  | \$ 25,000 |

### **Annual Reporting Burden**

**The estimated annual reporting burden for this collection is 2,500.** This figure was derived by multiplying the number of respondents (5,000) x frequency of response (1) x 30 minutes (0.5 hours) per response. This estimation is based

on prior agency experience with the program and is derived by breaking the process into three basic components:

|                                      |                 |
|--------------------------------------|-----------------|
| Learning about the Law and the Form: | 10 Minutes      |
| Completion of the Form:              | 10 Minutes      |
| Assembling and Filing the Form:      | 10 Minutes      |
| Total Hours per Response:            | 30 Minutes (0.5 |

hours)

For the first two components, we used tests to determine completion times. People who were not conversant with immigration processes were used to determine the average completion time. The third component of the process, “Assembling and Filing the Form”, was broken down into subtasks. For example, the form can be mailed to a USCIS office or filed in person. Thus, the time necessary to actually file the form can vary widely depending on the circumstances of the applicant.

### **Public Cost**

**The estimated annual public cost is \$25,000.** This estimate is based on the number of respondents 5,000 x 30 minutes (0.5) per response x \$10 (Average hourly rate).

13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this information collection are

identified in Item 14. There is no fee charge associated with this information collection.

14. Annualized Cost Analysis:

|    |                                |    |        |
|----|--------------------------------|----|--------|
| a. | Printing Cost                  | \$ | 0      |
| b. | Collection and Processing Cost | \$ | 50,000 |
| c. | Total Cost to Program          | \$ | 50,000 |
| d. | Fee Charge                     | \$ | 0      |
| e. | Total Cost to Government       | \$ | 50,000 |

Cost to the Government is \$50,000. This figure was determined by multiplying the number of respondents 5,000 x 1 hour to process x \$10 an hour (This includes administrative support cost to make a determination that the applicant meets the eligibility requirements for adjustment of status under section 586).

15. There has been no increase or decrease in the burden hours and costs associated with this information collection.

16. USCIS does not intend to employ the use of statistics or the publication thereof for this information collection.

- 17. USCIS is seeking approval to not display the expiration date of OMB approval of this information collection because this collection is not in the standard form format. Rather, this information collection is additional evidentiary requirements.
- 18. USCIS does not request an exception to the certification of this information collection. See attached Item 19 of Form OMB 83-I.

**B. Collection of Information Employing Statistical Methods.**

Not Applicable.

**C. Certification and Signature.**

**PAPERWORK CERTIFICATION**

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

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**Richard A. Sloan**

Director,

Regulatory Management Division,

U.S. Citizenship and Immigration Services.

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**Date**