

# SUPPORTING STATEMENT

## Petition to Remove the Conditions on Residence

### Form I-751

OMB No. 1615 - 0038

#### A. JUSTIFICATION

1. As provided for in 8 CFR part 216, and section 216 of the Immigration and Nationality Act (Act), aliens granted conditional residence through marriage to a United States citizen or permanent resident use Form I-751 to petition for removal of those conditions.
2. The information collected on Form I-751 is used by U.S. Citizenship and Immigration Services (USCIS) to verify the petitioner's status and determine whether the conditional resident is eligible to have the conditions of his or her status removed. The Form I-751 serves the purpose of standardizing requests for benefits and ensuring that basic information required to assess eligibility is provided by applicants. USCIS is revising Form I-751 to require applicants to submit original or certified copies of arrest records, dispositions and other relevant documents with their petition. USCIS has found that applicants submitting the Form I-751 who have been arrested, cited, charged, indicted, fined or imprisoned and do not submit the requisite documentation create a delay in the adjudication process. USCIS is therefore specifying that the applicants submit original or certified copies of arrest records, dispositions and other relevant documents with the Form I-751.

USCIS is also, revising Form I-751 to require biometric capture (fingerprint, photograph, and signature) at an ASC, Application Support Center, as part of the initial evidence required in order for the form to be considered properly filed. USCIS will require a fee of \$70 for the biometric services. USCIS is requiring this information in order to determine eligibility for the requested immigration benefit. See attached table of changes.

3. The use of the Form I-751 provides the most efficient means of collecting and processing the required information for a conditional resident who obtained status through marriage to apply to remove the conditions on his or her residence. USCIS does not currently have the automated capability in place to accept electronic submission of Form I-751 petitions. However, USCIS is in the nascent stages of developing a case management system that will allow for all applications to be electronically accepted and stored for adjudication.
4. A review of the USCIS Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose.
5. The collection of information does not have an impact on small businesses or other small entities.
6. If this information is not collected, it would hinder USCIS's ability to accept and analyze information submitted by applicants to apply to remove the conditions on their permanent residence.
7. There are no special circumstances associated with this information collection.
8. On January 23, 2006, USCIS published a notice in the Federal Register at 71 FR 3524 allowing 60-days for public comment. USCIS did not receive any comments from the public.
9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. The Privacy Act of 1974 (Public Law 93-589) mandates that personal information solicited from individuals completing Federal records and forms shall be kept confidential. The respondent is informed prior to submission that we may provide this information to other government agencies.
11. There are questions of a sensitive nature. Specifically, evidence is required if a petitioner is requesting a waiver for joint filing because he or she was battered by or was the subject of extreme cruelty by his or her U.S. citizen or permanent resident spouse or parent. However, without this evidence, USCIS cannot make a determination on a petitioner's request to remove conditions on his or her permanent residence status.
12. **Annual Reporting Burden:** Estimates of burden hours:

a. Number of Respondents

118,008

b. Number of Responses per each Respondent	1
c. Total Annual Responses	118, 008
d. Hours per Response	3.333*
e. Total Annual Reporting Burden	393,320

\* With this revision to the Form I-751, USCIS is adding 120 minutes to the time burden of completing this petition. The request for certified copies of the arrest report, court disposition and any other relevant documents, submission of fingerprint, photo, and signature through biometric capture.

**Annual Reporting Burden**

The total annual reporting burden hours are 393,320. This figure is derived by multiplying the number of respondents 118,008 x frequency of response per year (1) x 3 hours and 20 minutes (3.333) per response.

- 13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this collection are identified in question 14. However, there is a fee charge of \$205 associated with the filing of this information collection and charge of \$70 associated with the biometric service fee, which totals \$275.

**14. Annualized Cost Analysis:**

a. Printing Cost	\$ 53,103
b. Collecting and Processing Cost	\$ 32,399,097
c. Total Cost to Program	\$ 32,452,200
d. Fee Charge, if any	\$ 32,452,200
e. Total Annual Cost to Government	\$ 0

**Government Cost**

The estimated cost of the program to the Government is calculated by using the estimated number of respondents (118,008) multiplied (x) by the \$205 fee (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits, plus a percent for the estimated overhead cost for printing, stocking, distributing and processing of this form) plus the number of respondents (118,008) x \$70.

**Public Cost**

The estimated annual public cost is \$36,385,406. This figure is derived by multiplying the number of respondents (118,008) x 3.333 hours per

response x \$10 (average hourly rate); plus the number of respondents (118,008) x fee charge of \$205; plus the number of respondents (118,008) x biometric fee charge of \$70.

15. There has been an increase of 236,369 burden hours previously reported for this collection of information. This increase is due to the new requirement to provide original or certified copies of arrest reports, court dispositions and other relevant documents. Plus the requirement of having the applicant report to an Application Support Center for biometrics collection. In addition there has been an increase in costs of \$17,701,200. This can be attributed to increasing the fee to \$205 and adding a biometric fee of \$70.
16. USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. USCIS will display the expiration date of OMB approval for this information collection.
18. USCIS does not request an exception to the certification of this information collection. See attached item 19 of the Form OMB 83-I.

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

Not Applicable

**C. Certification and Signatures**

**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,**  
Regulatory Management Division,  
U.S. Citizenship and Immigration Services.

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**Date**