

SUPPORTING STATEMENT

Petition for Amerasian, Widow(er), or Special Immigrant

(Form I-360)

OMB No. 1615-0020

A. Justification.

1. As provided in section 204 of the Immigration and Nationality Act (8 U.S.C. 1154), certain aliens seeking to immigrate to the United States may be classified under specific categories. These categories are as follows: an Amerasian; a widow or widower; a battered spouse or child of a U.S. citizen or lawful permanent resident; and a special immigrant (religious worker, Panama Canal Company employee, Canal Zone government employee, U.S. government employee in the Canal Zone, physician, international organization employee or family member, juvenile court dependent or armed forces member). Form I-360 is used by these aliens who seek to be classified as eligible for the benefit.

Authority: Section 204 of the Immigration and Nationality Act (Act); 8 CFR 204.5(m)

2. The Form I-360 may be used by several prospective classes of aliens who intend to establish their eligibility to immigrate to the United States. The information collected on this form is reviewed by the U.S. Citizenship and Immigration Services (USCIS) to determine if the petitioner is qualified to obtain the immigration benefit.

Revision to Form I-360

U.S. Citizenship and Immigration Services (USCIS) is proposing to amend its regulations at 8 CFR 204.5(m) regarding the special immigrant religious worker visa classification. USCIS is proposing to require that the petitioning employer complete and submit the Religious Worker Employer Attestation portion of the Form I-360. This Religious Worker Employer Attestation will:

- serve to establish that the alien will be entering the United States solely for the purpose of carrying on the vocation of a minister or to work in a religious vocation or occupation,
 - that the alien is qualified,
 - that the job offer is legitimate,
 - that the petitioner has the ability and intention to compensate and otherwise support (through housing, for example) the alien so that the alien and accompanying family members will not become a public charge,
 - that funds to pay the alien's compensation do not include any monies obtained from the alien, excluding reasonable donations or tithing to the religious organization, and that
 - the beneficiary provide a signed document which states that he or she certifies that he or she has no links to any entities or individuals known to support terrorism.
3. The use of this form currently provides the most efficient means for collecting and processing the required data. In this case the USCIS does not employ the use of information technology in collecting and processing information. The Form I-360 is designated for e-filing under the Business Transformation Project.

4. A review of the USCIS 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. The information concerning religious organizations seeking to employ an alien as a nonimmigrant religious worker or special immigrant religious worker may affect small entities. USCIS conducted considerable research and was unable to find any statistics or analysis on the number of religious organizations or affiliates that may exist or, moreover, those that typically hire a foreign nationals or may in the future. The proposed rule on religious workers specially requests comments on the potential impact of this rule on small entities, and requests suggestions on how such impacts can be minimized, mitigated, or adjusted by size of the entity, as required by the Regulatory Flexibility Act. Additionally, USCIS invites comment on the estimated cost to comply with the rule's proposed mandatory on-site inspections requirements. Nonetheless, by helping to prevent fraud and ensuring that legitimate organizations participate in the religious worker program, this proposed rule will have a positive net impact overall.
collection of information does not have a significant impact on small businesses or other small entities.
6. The collection of information is required to determine that the petitioner may be classified as eligible for the immigration benefit. Without this specific form, these aliens would need to spend numerous hours studying the appropriate law and regulations to document their particular status in a detailed narrative or by other means. The Form I-360 facilitates public response, thereby helping to reduce the burden.
7. There are no special circumstances applicable to this information collection.
8. Public comments obviously cannot be addressed in the initial submission. However, in the Religious Worker proposed rule USCIS is requesting comments specifically on its information

collection requirements, or changes to current requirements, and that comments will be considered in finalizing the changes. Any public comments will be reconciled and addressed in the justification package with USCIS’s second submission.

9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. Information collected on battered spouses or children is protected. The self-petitioning spouse or child is also allowed to specify an alternative mailing address, if she or he does not want any USCIS notices sent to the petitioner’s home address. There are no confidentiality assurances for other aliens applying for the immigration benefits including those applying for immigration status as a religious worker.
11. Although questions about a person’s religion and compensation for performing religious functions may be considered sensitive. This information is required to establish eligibility for the visa. Without this information USCIS could not make a determination on eligibility are questions of a sensitive nature. However, these questions are essential to ensure that the alien is eligible for the benefit sought.

12.	<u>Annual Reporting Burden:</u>	<u>Form I-360</u>	<u>*On-Site</u>
			<u>Religious</u>
a.	Number of Respondents	16,914	3,230
b.	Number of Responses per Respondent	1	1
c.	Total Annual Responses	16,914	3,230
d.	Hours per Response	2.25	1.083
e.	Total Annual Reporting Burden	38,056	3,498

The projected hours per response for this collection of information were derived by dividing the process into three actions:

Learning about the law and the form:	20 minutes
Completion of the form:	25 minutes
Assembling and filing the form:	90 minutes
Hours	135 minutes
Total Hours	2 hours 15 minutes (2.25 Hrs).

For the first two actions, tests were used to determine completion times. Persons who were not conversant with immigration processes were used to determine the average completion time. The third action of the form, assembling and filing the form was an estimate based on past experience.

* It is estimated that it will take 65 minutes during a religious worker on-site visit for personnel to produce information upon request.

Annual Reporting Burden

The annual reporting burden is 41,554. This figure was derived by multiplying the number of respondents (16,914) x frequency of response (1) x 2 hrs. and 15 minutes (2.25) per response; plus (3,230) on-site visits x 65 minutes (1.083)

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. However, there is a fee of \$190 for this information collection.

14. Annualized Cost Analysis:

a.	Printing Cost	\$	21,412
b.	Collection and Processing Cost	\$	3,192,248
c.	Total Cost to Program	\$	3,213,660
d.	Fee Charge	\$	3,213,660
e.	Total Cost to Government	\$	0

Government Cost

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents (16,914) multiplied (x) by the suggested fee (\$190) (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).

Public Cost

The estimated annual public cost is \$ 4,853,369. This estimate is based on the number of respondents (13,684) x number of responses (1) x (2.25) hours per response x \$10 (average hourly rate); plus the number of respondents (3,230 religious workers) x number of responses (1) x 1.083 (65 minutes per response) x \$16 (average hourly rate); plus number of respondents (16,914) x fee charge of (\$190); plus 3,230 respondents (x) \$395 on site visit fee (religious workers only).

15. There has been an increase of 14,186 in the estimated burden hours previously reported for this information collection. This increase can be attributed to an increase in the number of respondents and an increase in the time to complete this form by religious organizations. In addition, there has been an increase of \$ 1,890,510 in the costs for this

information collection. The increase can be attributed to an increase in the number of respondents paying the \$190 fee, and the number of respondents for religious workers paying \$395 for an on-site visit.

16. USCIS does not intend to employ the use of statistics or the publication thereof for this information collection.
17. USCIS will display the expiration date for OMB approval of this information collection.
18. USCIS does not request an exception to the certification of this information collection.

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.

Richard A. Sloan

Director,

Regulatory Management Division,

U.S. Citizenship and Immigration Services.

Dated: