

SUPPORTING STATEMENT

Application for Waiver of Grounds of Inadmissibility

(Form I-601)

OMB No. 1615-0029

A. Justification.

1. Section 212(a) of the Immigration and Nationality Act (the Act) provides for the exclusion of certain classes of aliens from the United States. Grounds for exclusion include Health-Related, Criminal, Security, Public Charge, Labor Certification, Aliens Previously Deported, Documentary Requirements, Ineligible for Citizenship, and Miscellaneous Grounds. There are also several waiver provisions incorporated into section 212 of the Act which allows the Secretary of Homeland Security to exercise discretion in waiving certain grounds of excludability on a case by case basis. This collection of information is necessary to assess a waiver of exclusion.

2. The information collected on this form is used by U.S Citizenship and Immigration Services (USCIS) to determine whether the applicant is eligible for a waiver of excludability under section 212 of the Act.

3. The use of this form currently provides the most efficient means for collecting and processing the required data. In this case USCIS does not employ the use of information technology in collecting and processing information. Currently, USCIS does not have

the automated capability in place to accept electronic submission of this application. However, this form has been designated for e-filing under the Business Transformation Project.

4. A search of USCIS' automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected.
5. This collection of information does not have an impact on small businesses or other small entities.
6. If this information is not collected, USCIS would not be able to properly assess the alien's eligibility for the requested waiver.
7. There are no special circumstances applicable to this information collection.
8. USCIS published a notice on September 18, 2006 at 71 FR 54679. The notice allowed 60 days for public review and comment. USCIS received one public comment on this proposed information collection. The one commenter requested that USCIS include health waivers related to HIV on the form. Upon review, USCIS has decided to adopt the comment and amended the form to include the HIV waiver that was developed by the Centers for Disease Control and Prevention (CDC).

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

10. There is no assurance of confidentiality.

11. There are questions of a sensitive nature relating to an applicant's mental or physical condition. The Form I-601 is used to waive the medical grounds of inadmissibility under section 212(a) of the Act. It includes information concerning communicable diseases, drug abuse addiction, and mental disorders. This information is necessary to determine if an alien is eligible to file Form I-601.

12. Annual Reporting Burden:

a.	Number of Respondents	3,000
b.	Number of Responses per each request	1
c.	Total Annual Responses	3,000
d.	Hours per Response	1.00
e.	Total Annual Reporting Burden	3,000

Annual Reporting Burden

Total annual reporting burden is 3,000. This figure was derived by multiplying the number of respondents (3,000) x frequency of response (1) x 60 minutes (1.00 hour) 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 item 14. There is a fee charge of \$265 associated with the filing of this information collection.

14. Annualized Cost Analysis:

Printing Cost	\$	1,890
Collecting and Processing	\$	793,110
Total Cost to Program	\$	795,000
Fee Charge	\$	795,000
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 (3,000) multiplied (x) by the suggested fee charge of \$265, (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits). In addition, this figure includes the estimated overhead cost \$1,890 for printing, stocking, distributing and processing of this form.

Annual Public Cost

The estimated annual public cost is \$825,000. This estimate is based on the number of respondents (3,000) x frequency of response (1) X 60 minutes (1) hour per response x \$10 (average hourly rate), plus the number of respondents (3,000) x \$265 fee charge.

15. There has been an increase of 1,500 burden hours for this information collection. This can be attributed to the commenter's request (see item 8) to add the HIV waiver provision. There has been an increase of \$210,000 in the burden costs associated with this collection due to an increase in fee to \$265.
16. USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. USCIS is not seeking a waiver to 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,

Date

Director,

Regulatory Management Division,

U.S. Citizenship and Immigration Services,

Department of Homeland Security.