

SUPPORTING STATEMENT

Application for Temporary Protected Status

(Form I-821)

OMB No. 1615-0043

A. Justification:

1. The Secretary of Homeland Security (DHS) may grant Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (Act) to nationals of a foreign state (or in the case of an alien having no nationality, who is a person who last habitually resided in such designated state), and who meets the requirements of section 244(c) of the Act. During the TPS designation period the alien can remain in the United States and engage in employment. The information required on the Form I-821 is necessary in order for U.S. Citizenship and Immigration Services (USCIS) to make a determination that the applicant meets the TPS eligibility requirements and conditions.
2. USCIS uses the information collection to determine whether an applicant for TPS meets the eligibility requirements. Eligibility is determined by the alien proving identity, entry, and residence in the United States, as well as meeting certain admissibility standards. This form is being revised to update and clarify filing instructions and to incorporate additional questions regarding eligibility. (see table of changes)
3. The use of Form I-821 provides the most efficient means for collecting and processing the required data. USCIS allows for submission of Form I-821 in either hard copy form, or by e-filing through the USCIS website at: <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=9059d9808bcbd010VgnVCM100000d1f1d6a1RCRD&vgnnextchannel=9059d9808bcbd010VgnVCM100000d1f1d6a1RCRD>.
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. 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 not be able to determine the eligibility of nationals of a foreign state designated for TPS under section 244 of the Act.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. On March 7, 2007, USCIS published at 60 Day Notice at 72 FR 10239 allowing for public comments. USCIS did not receive any comments.
9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. There is no assurance of confidentiality. The respondent is informed that the information they provide may be disclosed to other federal, state, local, and foreign law enforcement and regulatory agencies. They are informed that they do not have to provide the requested information, but also that failure to do so may result in a denial of their application.
11. There are no questions of a sensitive nature.

12. Annual Reporting Burden:

a.	Number of Respondents	335,333
b.	Number of Responses per each Respondent	1
c.	Total Annual Responses	335,333
d.	Hours per Response	1.5
e.	Total Annual Reporting Burden	502,999

The projected hours per response for this collection of information were derived by first breaking the process into four basic components:

Learning about the Form, understanding the instructions:	30 Minutes
Collecting the necessary supporting documents:	15 Minutes
Completion of the Form:	15 Minutes
Traveling to and waiting at a preparer's office	30 Minutes
Total Hours per Response	1.5 <i>Hours</i>

Total annual reporting burden hours is 502,999. This figure was derived by multiplying number of respondents (335,333) x frequency of response (1) x hours per response 1.5 (90 Minutes).

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 of \$50 for initial registrants and late initial registrants, and a \$80 biometrics fee.

14. Annualized Cost Analysis:

a.	Printing Cost	\$	105,630
b.	Collecting and Processing	\$	4,909,274
c.	Total Cost to Program	\$	5,014,904
d.	Fee Charge, if any	\$	637,750
e.	Total Annual Cost to Government	\$	4,377,154

Government Cost

The estimated cost to the Government is \$4,377,154. This cost is calculated by:

- Multiplying the estimated number of respondents (335,333) x 22 minutes (.366) (average time required to collect and process information) x \$40 per hour (Suggested average hourly rate for clerical, officer, and supervisory time with benefits); plus the estimated cost for printing the form, **minus**
- Multiplying the number of late initial registrants (12,755) by the \$50 fee charge.

Note: Since most of the applications submitted to USCIS are for re-registration, the applicant does not need to pay the \$50 application fee. Only late initial registrants are required to pay the \$50 fee.

Public Cost

The estimated public cost with fee is \$32,494,394. This is calculated by:

- Multiplying the total number of estimated respondents (335,333) x 1.5 hours per response x \$10 (average hourly rate);
- Multiplying the estimated number of late initial registrants (12,755) x \$50 (the filing fee); and by
- Multiplying the total number of estimated respondents (335,333) x \$80 (Fee for capturing biometrics).

15. There has been an increase in the number of respondents from 181,000 to 335,333, and an increase of 414,999 in the estimated burden hours previously reported for this collection of information. This increase can be attributed to the number of respondents added as a result of the designation of TPS for El Salvador on March 9, 2001, which was never included in the OMB inventory. In addition,

in calendar year 2000, the Form I-821 correctly listed 1.5 hours as the burden for completing and submitting the form, and not the 30 minutes previously reported on the OMB 83-I, and subsequent supporting statements submitted to OMB. Accordingly, this supporting statement corrects that oversight.

In addition, there has also been an increase of \$18,026,640 in the annual cost to the public. This increase is attributed to the fee for capturing biometrics such as fingerprints which were never reported on previous OMB submission requests for extensions.

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 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.

The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results.

Not Applicable.

C. Certification and Signatures

PAPERWORK CERTIFICATIONS

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

Date

