

Supporting Statement
Application for Family Unity Benefits
Form I-817
(OMB No. 1615-0005)

A. Justification.

1. This application provides for an automatic stay of removal and employment authorization for the spouse or unmarried child of an alien who has been granted temporary or permanent residence status under section 210 or 245A of the Immigration and Nationality Act, permanent resident status under section 202 of the Immigration Reform and Control Act of 1986 (IRCA) or who is eligible or applied for adjustment of status pursuant to section 1104(b) of Public Law 106-553, the Legal Immigration Family Equity Act (LIFE Act).

2. The data collected will be used to determine whether the applicant meets the eligibility requirements for benefits under 8 CFR part 236, Subpart B or 8 CFR part 245a, Subpart C. If the applicant fully demonstrates eligibility, the application will be approved, and USCIS will issue an employment authorization document and approval notice to the applicant.

3. The use of this form provides the most efficient means for collecting and processing the required data. This form has been designated for e-filing under the Business Transformation Project.

4. A search of the U.S. Citizenship and Immigration Services (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 the information is not collected, USCIS adjudicating officer will be unable to determine whether the applicant is eligible for the benefits sought.
7. There are no special circumstances applicable to this information collection.
8. On April 6, 2007, at 72 FR 17176, a notice allowing for a 60-day public comment period was published in the Federal Register. No comments were received on this information collection.
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 some questions of a sensitive nature such as information regarding a family relationship. However, this information is necessary for an adjudicator to make a determination of eligibility for family unity benefits.
12. Annual Reporting Burden:
 - a. Number of Respondents 6,000

b.	Number of Responses per Each Respondent	1
c.	Total Annual Responses	6,000
d.	Hours per Response	2.0
e.	Total Annual Reporting Burden	12,000

Annual Burden Hours

Total annual reporting burden hours are 12,000. This number is calculated by multiplying the number of respondents (6,000) x (1) number of responses x (2) hours 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 \$200 associated with the collection of this information. Additionally, there is an additional \$70 charge for Biometric Services.

14. Annualized Cost Analysis:

a.	Printing Cost	\$ 8,000
b.	Collection and Processing	\$ 3,112,000
c.	Total Cost to Program	\$ 3,120,000
d.	Fee Charge	\$ 3,120,000
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 (6,000) multiplied (x) by the suggested \$440 fee charge, (which includes the suggested hourly rate for clerical, officer and managerial time with

benefits, plus a percent for the estimated overhead cost for printing, stocking and distributing and processing of this form). In addition, there is a Biometrics Fee of \$80 multiplied (x) 6000 applicants who are required to pay the fee.

Public Cost

The estimated annual public cost is \$3,240,000. This is based on the number of respondents (6,000) x number of responses (1) x (2) hours per response x \$10 (average hourly rate), plus the number of respondents (6,000) x fee charge of \$440, plus the number of applicants who were required to pay the biometrics fee (6,000) x \$80 for the biometric fee.

15. There has been a decrease of 68,000 burden hours previously reported for this information collection. Family unity was designed as a stop gap measure to allow the spouse and children of a legalization beneficiary to stay and work in the United States legally. Family unity eligible individuals must demonstrate they are eligible for classification as a family based immigrant. They demonstrate this by providing evidence that Form I-130 was filed on their behalf by a legalization beneficiary. As time goes by, the individuals who filed the earliest will have a visa number available and they may apply to adjust their status. As these individuals adjust their status, their number decreases. Accordingly the number of respondents submitting the Form I-817 decrease.

There has also been a decrease of \$17,680,000 in the annual cost burden. This can be attributed to a reduction in the number of respondents submitting the application fee and biometrics fee.

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. No statistical methods will be employed for this information collection.

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

Chief,
Regulatory Management Division,
U.S. Citizenship and Immigration Services,
Department of Homeland Security.

