

SUPPORTING STATEMENT

Application to Extend/Change Nonimmigrant Status

Form I-539

(OMB No. 1615-0003)

A. JUSTIFICATION.

1. The information collected is required by 8 CFR 214.1(c). This form will be used by nonimmigrants to apply for an extension of stay or for a change to another nonimmigrant classification.
2. The data collected on this form will be used by U.S. Citizenship and Immigration Services (USCIS) to determine eligibility for the requested immigration benefit; the form will serve as a standardized request for the benefit sought and will ensure that basic information required to assess eligibility is provided by all applicants.

This form is being revised to clarify that under section 248 of the Immigration and Nationality Act (INA) former exchange visitors and dependants subject to the foreign residence requirement are ineligible for change of status except under limited circumstances absent obtaining the appropriate waiver. The revisions also incorporate additional questions of inadmissibility that are based on inadmissibility grounds added by Title E of the Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108-458.

Please refer to the table of changes for revisions to this information collection.

3. The use of this form 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. However, this form has been 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 that can be used for this purpose.
5. This collection of information does not have an impact on small businesses or other small entities.
6. Without this information collection there would be no venue by which certain classes of nonimmigrants could apply for and receive an extension of stay or other nonimmigrant classification.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.

8. On July 16, 2007, USCIS published a 60-day notice in the Federal Register at 72 FR 38841. USCIS did not receive any comments from the public for 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 no questions of a sensitive nature.

12. Annual Reporting Burden:

a.	Number of Respondents	261,867
b.	Number of Responses per each Respondent	1
c.	Total Annual Responses	261,867
d.	Hours per Response	.75
e.	Total Annual Reporting Burden	196,400

Annual Burden Hours

Total annual reporting burden hours is 196,400. This figure was derived by multiplying the number of respondents (261,867) x frequency of response (1) x hours per response (45 minutes (.75)).

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 **\$300** associated with the filing of this information collection and a biometrics fee of **\$80**.

14. Annualized Cost Analysis:

a.	Printing Cost	\$	20,363
b.	Collection and Processing Cost	\$	99,489,097
c.	Total Cost to Program	\$	99,509,460
d.	Fee Charge	\$	99,509,460
e.	Total Cost to Government	\$	0

Government Cost

The estimated cost of the program to the Government is calculated by using the estimated number of respondents (261,867) multiplied (x) by the suggested \$300 fee charge (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 estimated number of respondents (261,867) multiplied (x) by the \$80 Biometrics Fee..

Public Cost

The estimated annual public cost is \$101,473,462. This is based on the number of respondents 261,867 x 45 minutes (.75) per response x \$10 (average hourly rate); plus the number of respondents 261,867 x fee charge of \$300; plus the number of respondents 261,867 x biometric fee charge \$80.

15. Although the form is being revised, there has been no increase or decrease in the estimated burden hours previously reported for this collection of information. See table of changes.
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.

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

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