

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 inadmissibility of certain classes of aliens from the United States. Grounds of inadmissibility include health-related, criminal, security, and miscellaneous grounds (such as unlawful voting or child abduction); grounds relating to public charge, ineligibility for U.S. citizenship, Labor Certification, and documentary requirements; and grounds relating to unlawful presence and previous deportation or removal. 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 inadmissibility on a case by case basis. This collection of information is necessary to assess a waiver of inadmissibility.

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 inadmissibility under section 212 of the Act. The form is being revised to modify outdated language referring to grounds of inadmissibility in effect prior to 1990, and to

clarify the use of the form in its instructions for applicants other than the ones seeking to waive medical grounds of inadmissibility. See the revised table of changes.

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 60-day notice in the Federal Register on July 31, 2007 at 72 FR 41771. There were two (2) comments received. The first commenter stated that the waiver process was burdensome to intending immigrants because these individuals already need to have an immigrant petition approved. However, the petitioning process and the inadmissibility waiver process are distinct in purpose: An approved petition, which is filed by the petitioner and not the intending immigrant, merely establishes that an intending immigrant may be eligible for a visa to the United States based on a particular family-based or employment-based relationship to an individual or a company in the United States. An approved petition does not confer the right to be in the United States. In contrast, Form I-601 is filed by intending immigrant (not the petitioner), who has an approved immigrant petition, who has been found inadmissible to the United States during the visa interview or adjustment of status process, and who seeks to have waived the inadmissibility. In legislation, Congress mandated that U.S. agencies do not admit to the United States or do not confer status to an individual, who is inadmissible. It is beyond this agency's scope of authority to remove or modify these statutory requirements. Therefore, the comment is also outside the scope of this information collection. The second commenter indicated that USCIS should modify the grounds of inadmissibility listed in the "For Government Use Only" section of the form because they are outdated. The changes published with the 60-day Federal Register notice already included these changes, and the agency modified the grounds of inadmissibility contained in the "For Government Use Only" section to reflect the current statutory provisions.

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 whether the grounds of inadmissibility, as set by Congress in section 212(a) of the Act, can be waived and Form I-601 approved.

12. Annual Reporting Burden:

a.	Number of Respondents	15,500
b.	Number of Responses per each request	1
c.	Total Annual Responses	15,500
d.	Hours per Response	1.5 hrs. (90 minutes)
e.	Total Annual Reporting Burden	23,250

Annual Reporting Burden

Total annual reporting burden is 23,250. This figure was derived by multiplying the number of respondents (23,250) x frequency of response (1) x 90 minutes (1.5 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 \$545 associated with the filing of this information collection.

14. Annualized Cost Analysis:

Printing Cost	\$	6,045
Collecting and Processing	\$	8,441,455
Total Cost to Program	\$	8,447,500
Fee Charge	\$	8,447,500
Total Annual Cost to Government	\$	0

Government Cost

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents 15,500 multiplied (x) by the suggested fee charge of \$545, (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits). In addition, this figure includes the estimated overhead cost \$ 6,045 for printing, stocking, distributing and processing of this form.

Annual Public Cost

The estimated annual public cost is \$ 8,680,000. This estimate is based on the number of respondents (15,500) x frequency of response (1) x 90 minutes (1.5) hour per response x \$10 (average hourly rate), plus the number of respondents (15,500) x \$545 fee charge.

15. There has been an increase of 20,250 burden hours for this information collection. USCIS attributes this increase to the new instructions provided for waivers filed under sections 212(g), 212(h), 212(i), and 212(a)(9)(A), (B) and (C) of the Act. Previously, this information was not included in the instructions. Accordingly, the time to complete the form has risen from 1 hour to 1 ½ hours. The inclusion of this information is justified because it will assist individuals with the preparation of the application. There has been an increase of \$6,812,500 in the burden costs associated with this collection. This increase is attributed to an increase in the number of respondents and an increase in the fee.

There has also been an increase in the number of respondents by 12,500. USCIS believes that this increase can be attributed to the following developments: (1) Applicants for TPS who seek a waiver for certain grounds of inadmissibility use Form I-601. Although TPS was initially only designed for a small number of countries, over the years, the DHS has extended TPS possibilities to nationals of other countries, which in turn lead to an increase in TPS applicants. (2) The number of waivers have also

increased as a result of section 212(a)(9) of the Act, which declares certain aliens inadmissible who have been unlawfully present in the United States in excess of 180 or 365 days. (3) Finally, since the events of September 11, 2001, applicants for immigrant visas or adjustment of status are screened more thoroughly, and undergo a series of security background checks that reveal possible grounds of inadmissibility. In turn, more applicants are in need of waivers filed on Form I-601. These developments and increases have not been accounted for in the previous extension requests in recent years.

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,

Chief,

Regulatory Management Division,

U.S. Citizenship and Immigration Services,

Department of Homeland Security.

Date