



## U.S. Department of Justice

Executive Office for Immigration Review

*Office of the General Counsel*

5107 Leesburg Pike, Suite 2600  
Falls Church, Virginia 22041

February 4, 2021

**MEMORANDUM TO:** Lynn Bryant  
Clearance Officer  
Justice Management Division

**FROM:** Barbara J. Leen  
Associate General Counsel

**SUBJECT:** Extension of Currently Approved Form for Approval by the Office of Management and Budget: Form EOIR-26A (Fee Waiver Request)

Pursuant to our conversation this afternoon, please accept the following additional information regarding the information collection request (ICR) for the Fee Waiver Request form for the Board of Immigration Appeals, as required for certification and submission to the Office of Management and Budget.

The ROCIS system states that OMB previously approved the EOIR-26A with an annual information collection cost burden of \$0. However, our records show that OMB approved the EOIR-26A at an annual information collection cost burden of \$15,000. The agency calculated the total annual reporting burden by multiplying the number of respondents (1500) by the hours per response (1) by the individual's estimated cost of \$10 per hour for completing the form (the individual's time and supplies):  $1500 \text{ respondents} \times 1 \text{ hour per response} \times \$10/\text{hr} = \$15,000$ . There is no filing fee associated with this collection. The calculations for this extension of the approved EOIR 26-A reflects identical calculations and burden hours as the last IRC, despite ROCIS's indication that the total annual information cost burden has increased from \$0 to \$15,000.

In addition, ROCIS prompts the agency to enter the statutory authority for each information collection request. The EOIR-26A is required by 8 C.F.R. 1003.8(a)(3) (2007). The statutory

authority for 8 C.F.R. 1003.8(a)(3) is too voluminous for ROCIS to permit individual entry of each statute. Therefore, please accept the following list as the statutory authority for 8 C.F.R. 1003.8(a)(3): 5 U.S.C. 301; 8 U.S.C. 1101 note, 1103, 1252 note, 1252b, 1324b, 1362; 28 U.S.C. 509, 510, 1746; sec. 2 Reorg. Plan No. 2 of 1950; 3 CFR, 1949-1953 Comp., p. 1002; section 203 of Pub. L. 105-100, 111 Stat. 2196-200; sections 1506 and 1510 of Pub. L. 106-386, 114 Stat. 1527-29, 1531-32; section 1505 of Pub. L. 106-554, and 114 Stat. 2763A-326 to - 328.