

SUPPORTING STATEMENT

Waiver of Rights, Privileges, Exemptions and Immunities

(Form I-508 and I-508F)

OMB No. 1615-0025

1. Section 247 of the Immigration and Nationality Act (Act) requires U.S. Citizenship and Immigration Services (USCIS) to adjust the status of an alien lawfully admitted for permanent residence to that of a nonimmigrant if the alien had at the time of admission or has since obtained an occupational status which, if he or she were seeking admission to the United States, would entitle him or her to nonimmigrant status under section 101(a)(15)(A), (E), or (G) of the Act. Such an alien, however, may retain his or her status as a lawful permanent resident (LPR) if he or she executes and files with USCIS a written waiver of all rights, privileges, exemptions, and immunities associated with such occupational status. See also, 8 CFR 247.

Similarly, 8 CFR 223.2 provides that an alien lawfully admitted for permanent residence with an occupational status that would entitle him or her to nonimmigrant status under section 101(a)(15)(A), (E), or (G) of the Act may not obtain a reentry permit unless he or she waives all rights privileges, exemptions, and immunities associated with such nonimmigrant status.

Finally, 8 CFR 245.1 provides that an alien with nonimmigrant status under section 101(a)(15)(A), (E), or (G) of the Act may not adjust status to that of an alien lawfully admitted for permanent residence unless he or she waives all rights, privileges, exemptions, and immunities associated with such nonimmigrant status.

This Form 508 is the document that an alien must execute in order to waive all rights, privileges, exemptions, and immunities that may otherwise accrue to him in connection with an application or request to retain his or her status as an LPR, adjust status to an alien lawfully admitted for permanent residence, or obtain a reentry permit.

2. The data collected on this Form I-508 will be used by USCIS to determine whether or not an alien whose occupational status would entitle him or her to nonimmigrant status under section 101(a)(15)(A), (E), or (G) of the Act, is eligible to retain his or her status as an immigrant, adjust status to an alien lawfully admitted for permanent residence, or obtain a reentry permit. French Nationals must also use the Form I-508F to choose to waive or retain their U.S. tax exemption under the Convention between the United States of America and the French Republic regarding taxes on income and property. There have been some minor cosmetic changes to the Form I-508, and the Form I-508F has been re-branded from the Department of Justice to Department of Homeland Security (See 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. However, this form has been designated for e-filing under the Business Transformation Project.
4. A review of the 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 a significant impact on small businesses or other small entities.
6. The information collected on this form is necessary to determine whether or not an alien whose occupational status would entitle him or her to nonimmigrant status under section 101(a)(15)(A), (E), or (G) of the Act, is eligible to retain his or her status as an immigrant, adjust status to an alien lawfully admitted for permanent residence, or obtain a reentry permit. If the information is not collected, USCIS will have no way to make such determinations and, consequently, the alien will not be able to obtain significant immigration benefits.
7. There are no special circumstances applicable to this information collection.

8. On March 31, 2008, USCIS published a 60-day notice in the Federal Register at 73 FR 16895. USCIS did not receive any comments 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.	<u>Annual Reporting Burden:</u>	<u>I-508</u>	<u>I-508F</u>
a.	Number of Respondents	1,800	200
b.	Number of Responses per Respondent	1	1
c.	Total Annual Responses	1,800	200
d.	Hours per Response	.083	.083
e.	Total Annual Reporting Burden	149	17

Total Annual Reporting Burden

The annual reporting burden is **166 hours**. This figure was derived by multiplying the number of respondents filing Form I-508 (1,800) x frequency of response (1) x 5 minutes (.083 hours) (hours per response); plus multiplying the number of respondents filing Form I-508F (200) x frequency of response (1) x 5 minutes (.083 hours) (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 information collection are identified in Item 14. There is no fee associated with this information collection.

14.	<u>Annualized Cost Analysis:</u>		
a.	Printing Cost	\$	324
b.	Collection and Processing Cost	\$	80,000
c.	Total Cost to Program	\$	80,324
d.	Fee Charge	\$	0
e.	Total Cost to Government	\$	80,324

Government Cost

The estimated cost of the program to the Government is **\$80,324**. This figure was calculated by multiplying the estimated number of respondents filing Form I-508 (1,800) x 1 hour (time required to collect and process information) x \$40 (suggested average hourly rate for clerical, officer, and managerial time with benefits); plus multiplying the estimated number of respondents filing Form I-508F (200) x 1 hour (time required to collect and process information) x \$40 (suggested average hourly rate for clerical, officer, and managerial time with benefits). In addition, this figure includes the estimated overhead cost for printing, stocking, and distributing this form, which is \$324.

Public Cost

The estimated annual public cost is **\$1,660**. This figure was calculated by multiplying the number of respondents filing Form I-508 (1,800) x 5 minutes (.083 hours) per response x \$10 (average hourly rate); plus multiplying the number of respondents Filing Form I-508F (200) x 5 minutes (.083 hours) per response x \$10 (average hourly rate).

15. There has been small increase of 17 hours in the estimated burden hours previously reported for this information collection. This increase is associated with the Form I-508F which was not counted in USCIS' previous submissions. There have been some minor cosmetic changes to the Form I-508, and the Form I-508F has been re-branded from the Department of Justice to Department of Homeland Security (See table of changes).
16. USCIS does not intend to employ the use of statistics or the publication thereof for this information collection.
17. USCIS will display the expiration date of the 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.

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