

SUPPORTING STATEMENT

Application for Advance Permission to Enter as Nonimmigrant

(Pursuant to 212(d)(3)(A)(ii) of the Immigration and Nationality Act)

Form I-192

OMB No. 1615-0017

A. Justification.

1. Section 212(a) of the Immigration and Nationality Act (INA), defines certain classes of aliens who are ineligible to receive nonimmigrant visas and who are excluded from admission into the United States. Section 212(d)(3) of the INA allows the Secretary of Homeland Security to waive the applicability of section 212(a) of the INA for certain nonimmigrants and to admit the alien temporarily despite his or her inadmissibility. This form is provided by the U.S. Citizenship and Immigration Services (USCIS) as a means for certain inadmissible nonimmigrant aliens to apply for permission to enter the United States. The form is used by two Department of Homeland Security (DHS) components: The U.S. Customs and Border Protection (CBP) uses the form to grant temporary permission to certain inadmissible nonimmigrants, who wish to enter the United States through a port-of-entry pursuant to section 212(d)(3)(A)(ii) of the Act. USCIS currently uses this form to address inadmissibility issues for T (Victims of Severe Forms of Trafficking in Persons) and U (Victims of Criminal Activity) petitioners. *See* 8 CFR 212.16 and 17, and 8 CFR 214.11 and 14.
2. This information furnished on Form I-192 will be used by CBP and USCIS to determine if the applicant is eligible to enter the United States temporarily under

the provisions of section 212(d)(3)(A)(ii) of the INA. Prior to the enactment of the Homeland Security Act of 2002, the functions of CBP and USCIS were combined in one (1) agency, entitled Immigration and Naturalization Service (INS). With the inception of DHS, certain adjudications functions were transferred from legacy INS to CBP, and certain benefits functions were transferred to USCIS. Form I-192 and its instructions were never clearly revised to clarify this distinction. Furthermore, USCIS has been designated as the agency to determine admissibility issues for T and U nonimmigrants, and chose Form I-192 to do so. To reflect the most recent and accurate changes, USCIS now updates the form and its instructions. See table of changes.

3. The use of this form currently provides the most efficient means for collecting and processing the required data. Currently, neither CBP nor USCIS employs the use of information technology in collecting and processing information for Form I-192. This Form has been designated for e-filing under the Business Transformation Project.
4. A search of the 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, under section 212(d)(3)(A)(ii) of the INA, certain classes of aliens, who are ineligible to receive visas to enter the United States, would not be able to waive the inadmissibility.
7. There are no special circumstances applicable to this information collection.

8. On March 10, 2008, USCIS published a 60-day Federal Register notice at 73 FR 12750 to allow the public to review and comment on the information collection. USCIS did not receive any comments.
9. Neither CBP nor USCIS 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: The numbers derived below represent the average derived from the filing volume (CBP and USCIS combined) of the fiscal years 2006 and 2007, and also include the estimated filing volume for FY 2008 stemming from the T and U visa programs.

a.	Number of Respondents:	17,000
b.	Number of Responses per Respondent:	1
c.	Total Annual Responses	17,000
d.	Hours per Response	.50
e.	Total Annual Reporting Burden	8,500

Annual Reporting Burden

The estimated annual reporting burden for this collection is 8,500. This figure was derived by multiplying the number of respondents (17,000) x frequency of response (1) x 30 minutes (.50 hours) per response. This estimation is based on prior USCIS and CBP experiences with the program, and also includes the numbers of filings USCIS anticipates for the T and the U visa programs for the fiscal year 2008.

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 a fee charge of \$545.00 per application associated with the collection of this information.

14. Annualized Cost Analysis:

a.	Printing Cost	\$ 22,950
b.	Collection and Processing Cost	\$9,242,050
c.	Total Cost to Program	\$9,265,000
d.	Fee Charge	\$9,265,000
e.	Total Cost to Government	\$ 0

Public Cost

The estimated annual public cost is \$ 9,350,000. This estimate is based on the number of respondents 17,000 x 30 minutes (.50 hours) per response x \$10 (average hourly rate); plus the number of respondents (17,000) x fee charge (\$545.00).

Government Cost. The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents (17,000) multiplied (x) by the \$545 fee (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).

15. There has been a decrease 1,500 in the estimated burden hours previously reported for this information collection. There has been a decrease in the estimated number of respondents from 40,000 (as reported in the previous extension request) to 17,000. The reasons for this drop in number of respondents are as follows: USCIS anticipated an increase in filings of Form I-192 with the promulgation of the U visa rule. Based on an anticipated promulgation date, USCIS reported an estimated increase in filing when extending the form; however, the rule was delayed and finally published in September of 2007. The numbers currently reported in this statement are derived from revenues received from CBP and USCIS filings made in the past two (2) fiscal years. The numbers are also based on the current rate of actual filings for T and U applications received, multiplied by an estimated percentage of how many of these applicants will be required to file Form I-192 during the adjudication of these benefits. USCIS anticipates that 80 percent (%) of the T and U status applicants will be required to complete Form I-192.

Because of the revised instructions, USCIS also raised its estimate of how long it will take to complete the form from 15 minutes to 30 minutes. Overall, these changes led to a slight decrease in public burden hours in comparison to the burden reported in prior extension requests. Finally, there has been a decrease of \$12,535,000 in the annual cost burden. This can be attributed to the reduction in the number of respondents.

- 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 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 Signatures.

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 R. Tarragon
Acting Director
Regulatory Management Division
U.S. Citizenship and Immigration Services

Date