

SUPPORTING STATEMENT

Notice of Appeal to the Office of

Administrative Appeals (AAO)

Form No. I-290B

OMB No. 1615 - 0095

A. JUSTIFICATION.

1. When certain non-immigrant or immigrant visa petitions or applications are denied or revoked by USCIS, an affected party may appeal that decision to the Administrative Appeals Office (AAO), or move to reopen or reconsider the service center denial to the service center or district office. Additionally, an affected party may move to reopen or reconsider an adverse decision issued by the AAO subsequent to the service center or district office decision. The information collection required on the Form I-290B is necessary in order for USCIS to make a determination that the appeal or motion to reopen or reconsider meets eligibility requirements, and for the AAO to adjudicate the merits of the appeal or motion to reopen or reconsider.
2. The data collected on this form is used by USCIS and the AAO to determine eligibility for the requested immigration benefit. The form serves the purpose of standardizing requests for the benefit, and ensuring that basic information required to assess eligibility is provided by petitioners, applicants, or beneficiaries, or their attorneys or representatives.
3. The use of this form provides the most efficient means for collecting and processing the required data. Currently 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 USCIS' Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available which can be used for this purpose.
5. The collection of information does not have an impact on small businesses or other small entities.
6. If the information is not collected in the form USCIS will not be able to establish whether the person filing the appeal or motion meets the requirements set forth in the regulation.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. USCIS published a 60 Day Notice on April 21, 2008 at 73 FR 29527. USCIS did not receive any comments.
9. USCIS does not provide payments or gifts to petitioners or applicants in exchange for a benefit sought.
10. There is no assurance of confidentiality. USCIS will use the information on the form to determine eligibility for the benefit. USCIS may provide information on the form to other government agencies.
11. There are no questions of a sensitive nature.
12. Annual Reporting Burden:
 - a. Number of Appeals 30,000

b.	Number of Responses	1
c.	Hours per Response	.50
d.	Total Annual Reporting Burden	15,000

Burden Hours

Total annual reporting burden hours is 15,000. This figure was derived by multiplying the number of respondents (30,000) x frequency of response (1) x average response time of 30 minutes (.50 hours) per response.

13. There are no capital or start up costs associated with this information collection. However, there is a fee charge of \$585.

14. Annualized Cost Analysis:

a.	Printing Cost	\$ 16,200
b.	Collection and Processing Cost	\$ 17,533,800
c.	Total Cost to Program	\$ 17,550,000
d.	Fee Charge	\$ 17,550,000
e.	Total Cost to Government	\$ 0

Government Cost

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents (30,000) multiplied (x) \$585 fee charge.

Public Cost

Fee

The estimated annual public cost is \$17,550,000. The estimated cost of the program to the public is calculated by multiplying the estimated number of respondents (30,000) multiplied (x) \$585 fee charge.

Non-Fee

There is also a public cost of **\$150,000**. This figure was derived by multiplying the number of respondents (30,000) x frequency of response (1) x average response time of 30 minutes (.50 hours) per response x \$10 (average hourly rate).

15. There is no increase or decrease in the burden hours previously reported for this information collection.

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 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.

Sunday Aigbe,

Chief,

Regulatory Management Division,

Department of Homeland Security.

Date