

SUPPORTING STATEMENT

Affidavit of Financial Support and Intent to Petition for Legal Custody

for Public Law 97-359 Amerasian

(Form I-361)

OMB No. 1615-0021

A. Justification.

1. This form is used to support Form I-360, Petition to Classify Public Law 97-359 Amerasian as the Child, Son or Daughter of a U.S. Citizen, in the final processing, as stated in 8 CFR 204.4(f)(1)(ii)(A) wherein, "...if the district director notifies the petitioner that all preliminary processing has been completed in a satisfactory manner, the petitioner must then submit Form I-361, Affidavit of Financial Support and Intent to Petition for Legal Custody for Pub. L. 97-359 Amerasian, executed by the beneficiary's sponsor, along with the documentary evidence of the sponsor's financial ability required by that form. If the beneficiary is under eighteen years of age, the sponsor must agree to petition the court having jurisdiction, within thirty days of the beneficiary's arrival in the United States, for legal custody under the laws of the state where the beneficiary will reside until the beneficiary is eighteen years of age. The term "legal custody" as used in this section means the assumption of responsibility for a minor by an adult under the laws of the state in a court of law. The sponsor must be a United States citizen or lawful

permanent resident who is twenty-one years of age or older who is of good moral character.”

2. The information furnished on Form I-361 will be used by the U.S. Citizenship and Immigration Services (USCIS) to determine a sponsor’s eligibility to support an alien eligible for benefits under Pub.L. 97-359.
3. The use of this form currently provides the most efficient means for collecting and processing the required data. In this case the USCIS does not employ the use of information technology in collecting and processing information. Since there are only 50 respondents a year USCIS has not scheduled this application form for electronic submission as part of it’s e-filing initiative.
4. A review of the USCIS 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 an impact on small businesses or other small entities.
6. An alien is eligible for classification under section 201(b), 203(a)(1) or 203(a)(3) of the Immigration and Nationality Act (Act) as the Amerasian child or son or daughter of a U.S. citizen, pursuant to section 204(f) of the Act which requires evidence to support such a petition. The information furnished on this form will be used by the USCIS to

determine a sponsor's eligibility to financially support an alien seeking benefits under Pub. L. 97-359. The information collection is necessary to ensure that the alien maintains residency and does not become a public charge in the United States.

7. There are no special circumstances applicable to this information collection.
8. On September 3, 2008, USCIS published a 60-day notice in the Federal Register at 73 FR 51503. USCIS did not receive any comments.
9. The 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. Annual Reporting Burden:
 - a. Number of Respondents 50
 - b. Number of Responses per each request 1
 - c. Total Annual Responses 50
 - d. Hours per Response .50
 - e. Total Annual Reporting Burden 25

Annual Reporting Burden

Total annual reporting burden is 25. This figure was derived by multiplying the number of respondents (50) x frequency of response (1) x 30 minutes (.50 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 collection are identified in item 14. (There is no fee associated with filing this information collection.)

14. Annualized Cost Analysis:

Printing Cost	\$	27
Collecting and Processing	\$	1,000
Total Cost to Program	\$	1,027
Fee Charge	\$	0
Total Annual Cost to Government	\$	1,027

Government Cost

The estimated cost of the program to the Government is \$1,027. This figure is calculated by using the estimated number of respondents (50) multiplied (x) by 30 minutes (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, distributing and processing of this form).

Annual Public Cost

The estimated annual public cost is \$ 250. This estimate is based on the number of respondents (50) x 30 minutes (0.50) hours per response x \$10 (average hourly rate).

15. There has been no increase or decrease in the estimated burden associated with this information collection.
16. The USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. The USCIS will display the expiration date for OMB approval of this information collection.
18. The 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.

Date