

SUPPORTING STATEMENT

OMB No. 1125-0010

Notice of Appeal to the Board of Immigration Appeals from a Decision of a USCIS Officer Form EOIR- 29

Part A. Justification

1. Necessity of Information Collection - A party affected by a decision of a Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) officer may appeal that decision to the Board of Immigration Appeals (Board), provided the Board has jurisdiction pursuant to 8 C.F.R. ' 1003.1(b). An appeal from a USCIS officer=s decision is taken by completing the Form EOIR-29 and filing it with USCIS directly. USCIS then forwards the appeal to the Board. The form requests the appellant=s name, alien identification (or AA@) number, mailing address, and basic information about the case being appealed, which is necessary to identify and process the appeal.

The form has been updated to reflect the statutory transition of the Immigration and Naturalization Service to the Department of Homeland Security.

2. Needs and Uses - The form is filed and considered in the context of an immigration proceeding. Accordingly, information contained in the form is considered only to the extent necessary to process the appeal. The form is inserted into EOIR=s official file for the respondent/applicant and certain information on the form is entered into EOIR=s internal-use only database. The form is reviewed by the Board in order to determine the

sufficiency and merit of a party=s appeal.

3. Use of Technology - The use of this form provides the most efficient means for collecting and processing the required data. The Form EOIR-29 is available on EOIR=s website for printing. Information can be typed into the online form which is then printed out for submission to the agency, or the individual has the option of printing the form in its entirety to complete by typing or printing legibly. Currently, EOIR does not have the automated capability in place to accept electronic submission of forms. However, EOIR continues to explore the implementation of a number of electronic document initiatives, including electronic submission of EOIR forms.

4. Efforts to Identify Duplication - The only method for appealing a USCIS officer=s decision to the Board is to file a Form EOIR-29. A review of EOIR=s existing forms revealed no duplication of effort, and there is no similar information currently available which can be used for this purpose.

5. Impact on Small Businesses - This collection does not have an impact on small businesses or other small entities.

6. Consequences of Less Frequent Collection - Failure to collect and present the information regarding a party=s reasons for appeal would deprive the party of a mechanism through which to preserve and exercise the regulatory right to appeal from a

decision of a USCIS officer to the Board.

7. Special Circumstances Influencing Collection - A party affected by a USCIS officer's decision who wishes to appeal the decision to the Board must file the Form EOIR-29 within 30 days of the service of the decision being appealed. 8 C.F.R. ' 1003.3(a)(2). None of the other eight special circumstances identified in OMB instruction number 7 apply to this collection.

8. Federal Register Publication and Consultation- A 60-day and 30-day notice covering this collection has been published in the Federal Register. No comments were received.

9. Payment or Gift to Claimants - EOIR does not provide any payment or gifts to parties in immigration proceedings.

10. Assurance of Confidentiality - The original Notice of Appeal to the Board of Immigration Appeals from a Decision of a USCIS Officer is maintained by EOIR in the official court record of proceeding (ROP) and is accessed by those EOIR employees processing the ROP. The confidentiality of the contents of a party's Notice of Appeal to the Board of Immigration Appeals from a Decision of a USCIS Officer is protected by EOIR, as are all the documents in the ROP, to the extent permitted by the law, including the Privacy Act and the Freedom of Information Act.

11. Justification for Sensitive Questions - There are no questions of a sensitive nature in

the Form EOIR-26.

12. Estimate of Hour Burden

a. Number of Respondents	2,971
b. Number of Responses per Respondent	1
c. Total Annual responses	2,971
d. Hours per response	30 minutes
e. Total annual hourly reporting burden	1485.5

The total annual reporting burden is derived by multiplying the number of respondents (2,971) by the frequency of response (1) by the number of hours per response (30 minutes or .5 hour):

$2,971 \text{ respondents} \times 1 \text{ response per respondent} \times .5 \text{ hour per respondent} = 1485.5 \text{ burden hours.}$

13. Estimate of Cost Burden

There are no capital or start-up costs associated with this information collection. The estimated public cost is \$401,085. This estimate is derived by multiplying the burden hours of 1485.5 by the estimated practitioner cost of \$50/hr., plus a filing fee of \$110 per respondent.

1485.5 burden hours x \$50/hr. (estimated practitioner cost) = \$74,275

\$110 filing fee x 2,971 respondents = \$326,810

\$74,275 + \$326,810 = \$401,085

The EOIR recognizes that a certain portion of the respondents may not retain a practitioner to assist them in filling out the form.

14. Estimated Cost to Federal Government - It is estimated that the annual government cost for printing, distributing, stocking, processing and maintaining the Form EOIR-26 is \$594.20 (derived by multiplying the 2 pages of the form by an estimated \$.10 per copy by the estimated 2,971 respondents per year).

15. Reason for Change in Burden - There is no difference in burden. Previously, EOIR estimated that there are approximately 2,791 respondents annually. That estimate remains valid. As the number of hours per response remained the same (30 minutes), the total burden hours remains 1,485.5 burden hours.

16. Plans for Publication - The EOIR does not intend to employ the use of statistics or the publication thereof for this collection of information.

17. Approval to Not Display the Expiration Date - The presently approved information collection has OMB approval to not display the expiration date. EOIR is seeking

continued OMB approval to not display the expiration date for this collection instrument. The display of the expiration date would require EOIR to pull and destroy current forms in its inventory (e.g., headquarters, field offices throughout the country), which otherwise could still be used by the public except for the outdated expiration date. EOIR forms are in wide distribution. Parties in proceedings before EOIR, attorneys and practitioners, organizations who assist individuals in proceedings before EOIR, and other government agencies all would be similarly required to replace forms otherwise acceptable except for the outdated expiration date. It is also costly to destroy useable forms and then reprint and restock them. Therefore, EOIR requests that the display of the expiration date be waived. The EOIR has in place a forms calendar to ensure that all forms remain active and future applications for OMB approval are planned.

18. Exceptions to Certification Statement - The EOIR does not request an exception to the certification of this information collection.

Section B. Collection of Information Employing Statistical Methods

This collection does not employ statistical methods.

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, any applicable statistical standards or directives, and any other information policy directives promulgated under 5 C.F.R. ' 1320.

John N. Blum

Acting General Counsel
Executive Office for Immigration Review

Date