

SUPPORTING STATEMENT

Application for Waiver of the Foreign Residence Requirement of

Section 212(e) of the Immigration and Nationality Act

(Form I-612)

OMB No. 1615-0030

A. JUSTIFICATION:

1. The information is necessary and may be submitted only by an alien who believes that compliance with foreign residence requirements would impose exceptional hardship on his or her spouse or child who is a citizen of the United States, or a lawful permanent resident; or that returning to the country of his or her nationality or last permanent residence would subject him or her to persecution on account of race, religion, or political opinion. Certain aliens admitted to the United States as exchange visitors are subject to the foreign residence requirements of section 212(e) of the Immigration and Nationality Act (the Act). Section 212(e) of the Act also provides for a waiver of the foreign residence requirements in certain instances.
2. The data collected on this form will be used by the USCIS to determine eligibility for a foreign residence waiver.
3. The use of this form currently provides the most efficient means for collecting and processing the required data. 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. This form facilitates a waiver of the residency requirements based on an alien's hardships because of separation of family members or because of fear of persecution on account of race, religion, or political opinion. Without this venue, persons may be subjected to unnecessary hardship.
7. There are no special circumstances applicable to this information collection.
8. On January 26, 2009, USCIS published a 60-day Federal Register notice at 74 FR 4446 to allow the public to review and comment on the information collection. 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	1,300
b.	Number of Responses per Respondent	1
c.	Total Annual Responses	1,300
d.	Hours per Response	.333
e.	Total Annual Reporting Burden	433

Annual Reporting Burden

The number of respondents is estimated to be **1,300** for an annual burden hours of **433**, which is based on the stated responses at **.333** (20 minutes) 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. ***However, there is a \$545 fee charge associated with this information collection.***

14. Annualized Cost Analysis:

a.	Printing Cost	\$	585
b.	Collection and Processing Cost	\$	707,915
c.	Total Cost to Program	\$	708,500
d.	Fee Charge	\$	708,500
e.	Total Cost to Government	\$	0

Government Cost

The estimated cost of the program to the Government.

This figure is calculated by using the estimated number of respondents (1,300) multiplied (x) by the suggested \$545 fee charge (which includes the suggested average hourly rate for clerical, officer, and supervisory time with benefits, plus a percent for the estimated overhead cost for printing, stocking, distributing and processing of this form).

Public Cost

The estimated annual public cost is **\$712,830**. This is based on the number of respondents (1,300) x 20 minutes (.333) per response x \$10 (Average hourly rate) plus the number of respondents (1,300 x fee charge of \$545).

15. There has been no increase or decrease in the estimated 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 information collection.
17. USCIS will display the expiration date of OMB approval for 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.

Stephen Tarragon,
Deputy Chief,
Regulatory Management Division,
U.S. Citizenship and Immigration Services.

Date