

SUPPORTING STATEMENT

Application for Authorization to Issue Certification for Health Care Workers and Related Requirements (Form I-905)

OMB No. 1615-0086

A. Justification.

1. Section 343 of the Illegal Immigration Reform and Immigrant Responsibility Act, Public Law 104-208 created a new ground of inadmissibility at section 212(a)(5) (C) of the Immigration and Nationality Act (Act). It provides that, subject to section 212(r) of the Act, an alien who seeks to enter the United States for the primary purpose of performing labor in one of the covered health care occupations, other than a physician, is inadmissible unless the alien presents a certificate from the Commission on Graduates of Foreign Nursing Schools (CGFNS) or an equivalent independent credentialing organization approved by the Secretary of the Department of Homeland Security in consultation with the Secretary of Health and Human Services (HHS).

This form is necessary for an organization to request authorization from U.S. Citizenship and Immigration Services (USCIS), to issue certificates to foreign health care workers. In addition, there are requirements in 8 CFR 212.15 (*i.e.*, name and address of the certifying organization, a point of contact where the organization may be contacted in order to verify the validity of the certificate, the date the certificate was issued, the occupation for which the certificate was issued,

and the alien's name, date and place of birth, and telephone number, etc.) be contained on all health care worker certificates issued by authorized organizations.

Authority: 8 CFR 212.15; section 343 of IIRIRA.

2. The form serves the purpose of standardizing the requests for authorization, and ensuring that basic information required to assess eligibility is provided by the organization. The data required to be collected and displayed on all health care worker certificates will be used by the benefit granting agency or agencies (*i.e.*, the USCIS and the Department of State) to determine whether or not a health care worker coming to work in the United States is inadmissible under section 212(a)(5)(C) of the Act, to establish that the certificate relates to the health care workers who present themselves for admission or adjustment of status, and to provide the USCIS with a means of contacting the issuing organization to verify the certificate validity as quickly as possible. Further, this collection of information will standardize certificates issued by several independently-operated certifying organizations.

3. The use of this form provides the most efficient means to ensure collection of all information required for the USCIS to make a determination on the application, and will ensure uniformity in the adjudication process. USCIS provides this application to the public via the USCIS Internet Web Site. This form is accessible and available for electronic generation only. USCIS does not currently have the automated capability in place to accept electronic submission of Form I-905. This form has been designated for e-filing under the Business Transformation Project.

4. A review of the 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. If this information is not collected, the USCIS will not be able to determine an organization's eligibility to issue certificates for foreign health care workers. In addition, if the information is not collected by the credentialing organization, the benefit granting agencies may be unable to comply with the statutory requirements stipulated by section 343 of Public Law 104-208, which provides that aliens coming to the United States to perform labor in a covered health care occupation (other than a physician) are inadmissible unless they present a certificate attesting to their education, qualifications, and English language proficiency. The benefit granting agencies must be able to determine whether the certificates relate to the aliens requesting visas, presenting themselves for admission, or requesting adjustment of status.
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 4447 to allow the public to review and comment on the information collection. USCIS did 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

	Request to issue Certificates	Credential Org.	Applicants
a. Number of Respondents	10	14,000	14,000
b. Number of Responses per each Respondent	1	1	1
c. Total Annual Responses	10	14,000	14,000
d. Hours per Response	4	2	1.66
e. Total Annual Reporting Burden	40	28,000	23,240

Request to Issue Certificates:

Learning about the Form:	30 Minutes
Completing the Form:	180 Minutes
Assembling the Form:	30 Minutes
Total Hours per Response	240 Minutes (4 Hours)

Credentialing Organizations

Describing Process	20 minutes
Verifying the Alien's Eligibility	80 minutes
Issuing the Certificate	20 minutes
Total Hours per Credentialing Org. Response	120 minutes

Applicants (Immigrant and Nonimmigrant Respondents)

Contacting Credentialing Org.	10 minutes
Obtaining Required Documentation	30 minutes
Taking English Examination	60 minutes
Total Hours per Individual Response	100 minutes

The times listed for the components are estimates of the time that will be required to complete the task.

Annual Burden Hours

Total annual reporting burden is 51,280.

Issue Certificates: This figure was derived by multiplying the number of respondents (10) x frequency of response (1) x the hours of response (4 hours) = 40 hours.

Credentialing Org.: This figure was derived by multiplying the number of respondents (14,000) x frequency of response (1) x the hours of response (2 hours) = 28,000 hours.

Applicants: This figure was derived by multiplying the number of respondents (14,000) x frequency of response (1) x the hours of response (1 hr and 40 minutes)(1.66) = 23,240 hours.

13. There are no capital or start-up costs associated with this information collection. Any cost burdens as a result of this collection of information are identified in item 14. There is a \$230 fee charge associated with this collection of information. In addition, there is a public cost of approximately \$325 per applicant to receive certification from the credentialing organization.

14.	Annualized Cost Analysis	Request to issue
		Certificates
a.	Printing Cost	\$ 10
b.	Collecting and Processing	\$ 2,290
c.	Total Cost to Program	\$ 2,300
d.	Fee Charge, if any	\$ 2,300
e.	Total Annual Cost to Government	\$ 0

Government Cost

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents (10) x the suggested \$230 fee charge (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).

There is no cost of the program to the Government concerning Credentialing Organizations.

Public Cost

The estimated annual public cost is \$5,065,100.

This is based on the number of:

- Respondents to issue certificates, 10 respondents x 4 hours per response x \$10 (average hourly rate), plus the number of respondents 10 x \$230 fee charge; plus
- Credentialing organizations (14,000) x hours per response (2) x \$10 (average hourly rate); plus
- Immigrant and nonimmigrant applicants (14,000) x hours per response (1.66) x \$10 (average hourly rate), plus the number of immigrant and nonimmigrant applicants (14,000) x the fee (approximately \$325) which the organization will charge to issue the certificate.

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

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

Date