

SUPPORTING STATEMENT

Petition for Qualifying Family Member of a U-1 Nonimmigrant

Form I-929

OMB No. 1615 – 0106

A. JUSTIFICATION

1. Section 245(m) of the Immigration and Nationality Act (INA), provides for the adjustment of status of a U nonimmigrant status holder to that of a person admitted for permanent residence. Upon the adjustment of status of the U-1 principal applicant, section 245(m)(3) of the INA allows U.S. Citizenship and Immigration Services to accord lawful permanent resident status to certain spouses, children, and parents based upon their relationship with the principal applicant. 8 CFR 245.24(g) provides for the use of the Form I-929 by applicants for such benefits.
2. 8 CFR 245.24(f) sets up a two-stage application process for qualifying family members to obtain lawful permanent residence. First, the principal applicant must file an immigrant petition on behalf of the qualifying family member. Second, if the immigrant petition is approved, qualifying family members who are present in the United States may adjust their status to that of a lawful permanent resident, and qualifying family members outside the United States may go to a U.S. embassy or consulate to obtain their immigrant visa. The data collected on this form will be used by USCIS to determine eligibility for the requested immigration benefit. The form serves the purpose of standardizing requests for benefits and ensuring that basic information required to assess eligibility is provided by applicants.

3. The use of the Form I-929 provides the most efficient means of collecting and processing the information needed to determine eligibility for individuals to acquire permanent residence status. USCIS does not currently have the automated capability in place to accept electronic submission of Form I-929 applications. However, this form will be designated for e-filing as part of the Business Transformation Project.
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. The collection of information does not have an impact on small businesses or other small entities.
6. If this information is not collected, it would hinder USCIS's ability to accept and analyze information submitted by applicants for permanent residence status. Overall, not collecting this information would render USCIS's process for immigration ineffective.
7. There are no special circumstances associated with this information collection.
8. On December 12, 2008, USCIS published a 60-day notice in the Federal Register at 73 FR 75540 (see page 75557). The 60-day notice was contained in the interim regulation "Adjustment of Status to Lawful Permanent Resident for Aliens in T or U Nonimmigrant Status"; RIN 1615-AA60. When USCIS publishes the final rule in the Federal Register we will address any comments received on the form and take appropriate action. In the meantime since this form will expire on April 30th, USCIS is taking action to extend the expiration date.
9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.

10. The Privacy Act of 1974 (Public Law 93-589) mandates that personal information solicited from individuals completing Federal records and forms be kept confidential. The respondent is informed prior to submission that USCIS may provide this information to other federal, state, and foreign law enforcement and regulatory agencies.

11. There are no questions of a sensitive nature.

12. **Annual Reporting Burden:**

a. Number of Respondents	
2,000	
b. Number of Responses per each Respondent	1
c. Total Annual Responses	2,000
d. Hours per Response	1 hour
e. Total Annual Reporting Burden	2,000

Annual Reporting Burden

The estimated total annual reporting burden hours are **2,000**. This figure is calculated by multiplying the number of estimated respondents (2,000) x frequency of response per year (1) x hours per response (1 hour).

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. However, there is fee charge of \$215 for filing Form I-929.

14. **Annualized Cost Analysis (Government):**

a. Printing Cost	\$	300
b. Collecting and Processing Cost	\$	429,700
c. Total Cost to Program	\$	430,000
d. Fee Charge, if any	\$	430,000

e. Total Cost to Government \$ 0

Government Cost

The annual cost of the program to the Government is calculated by multiplying the estimated number of respondents (2,000) by the \$215 suggested fee charge. The fee charge includes suggested average hourly rates for clerical, officer, and supervisory time with benefits, plus a percent for the estimated overhead cost for printing, stocking and distributing the form which is \$300.

Public Cost

The estimated annual public cost is \$466,080. This figure is calculated by multiplying the number of respondents (2,000) x the number of responses (1) x the amount of time to complete the form (1 hr.) x \$18.04 (Based on the hourly wage from the Bureau of Labor Statistics).

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 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 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 Signatures

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 , **Date**
Deputy Chief,
Regulatory Products Division,
U.S. Citizenship and Immigration Services.