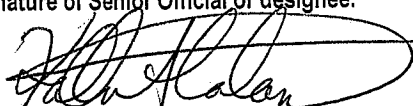


PAPERWORK REDUCTION ACT CHANGE WORKSHEET

Agency/subagency Department of Homeland Security, U.S. Citizenship and Immigration Services		OMB Control Number 1615 - 0040	
<i>Enter only items that change</i>			
		Current record	New record
Agency form number (s) I-765			
Annual reporting and recordkeeping hour burden			
Number of respondents			
Total annual responses			
Percent of these responses collected electronically	%	%	
Total annual hours			
Difference			
Explanation of difference			
Program change			
Adjustment			
Annual reporting and recordkeeping cost burden (in thousands of dollars)			
Total annualized Capital/Startup costs			
Total annual costs (O&M)			
Total annualized cost requested			
Difference			
Explanation of difference			
Program change			
Adjustment			
Other changes** Adding deferred action for two years to widows and widowers of U.S. citizens who reside in the United States and who were married for less than two years prior to their spouse's death. See attached justification.			
Signature of Senior Official or designee: 	Date: 6/22/09	For OIRA Use _____ _____	

** This form cannot be used to extend an expiration date.

Justification for I-765 change

Per Secretary Napolitano, USCIS is adding deferred action for two years to widows and widowers of U.S. citizens who reside in the United States and who were married for less than two years prior to their spouse's death. The form is currently used for widows and widowers and has sufficient approved burden to encompass the 500 or so of these widows that will ask for deferred action. It will not increase the number of respondents.

http://www.dhs.gov/ynews/releases/pr_1244578412501.shtm

DHS Establishes Interim Relief for Widows of U.S. Citizens



Release Date: June 9, 2009

For Immediate Release
Office of the Press Secretary
Contact: 202-282-8010

U.S. Department of Homeland Security (DHS) Secretary Janet Napolitano today granted deferred action for two years to widows and widowers of U.S. citizens—as well as their unmarried children under 21 years old—who reside in the United States and who were married for less than two years prior to their spouse's death.*

“Smart immigration policy balances strong enforcement practices with common-sense, practical solutions to complicated issues,” said Secretary Napolitano. “Granting deferred action to the widows and widowers of U.S. citizens who otherwise would have been denied the right to remain in the United States allows these individuals and their children an opportunity to stay in the country that has become their home while their legal status is resolved.”

Secretary Napolitano also directed U.S. Citizenship and Immigration Services (USCIS) to suspend adjudication of visa petitions and adjustment applications filed for widow(er)s where the sole reason for reassessment of immigration status was the death of a U.S. citizen spouse prior to the second anniversary of the marriage.

Additionally, U.S. Immigration and Customs Enforcement (ICE) will defer initiating or continuing removal proceedings, or executing final orders of removal against qualified widow(er)s and their eligible children.

USCIS will also consider favorably requests for humanitarian reinstatement where previously approved petitions for widow(er)s had been revoked because of the law. DHS will soon issue guidance instructing the public on how to apply for this relief.

These directives apply regardless of whether the citizen filed a petition for the alien spouse before death. Deferred action is generally an act of prosecutorial discretion to suspend removal proceedings against a particular individual or group of individuals for a specific timeframe; it cannot resolve an individual's underlying immigration status. Individuals granted deferred action may apply for work authorization if they can demonstrate economic necessity.

While Secretary Napolitano's directive provides a short-term arrangement for widow(er)s of deceased U.S. citizens, legislation is required to amend the definition of "immediate relatives" in the Immigration and Nationality Act to permit surviving spouses to remain indefinitely after the U.S. citizen spouse dies, enabling them to seek permanent resident status.

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* corrected to read "under 21"

This page was last reviewed/modified on June 11, 2009.