

SUPPORTING STATEMENT

Notice of Appeal of Decision

Under Section 210 or 245A of the Immigration and Nationality Act

(Form I-694)

OMB No. 1615-0034

A. JUSTIFICATION:

1. Sections 210 and 245A of the Immigration and Nationality Act (Act) contain specific language regarding the adjudication and appeal rights of section 210 and 245A applicants. Because of the continuing litigation regarding applicants that presumably fall within the above sections of the Act, U.S. Citizenship and Immigration Services (USCIS) must continue to accept applications for temporary resident status and related waiver applications until all decisions in court cases have been rendered and USCIS is not mandated to accept any more applications.
2. The data collected on this form is used by USCIS in considering the appeal from a finding that an applicant is ineligible for legalization under section 210 and 245A of the Act or is ineligible for a related waiver of inadmissibility.
3. The use of this form currently provides the most efficient means for collecting and processing the required data. In this case, USCIS does not employ the use of information technology in collecting and processing information. This form has been designated for e-filing under the Business Transformation Project.
4. A search of 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. Without the use of this information collection (Notice of Appeal) an applicant whose request for temporary or permanent resident status has been denied or terminated by USCIS may also lose other immigration benefits, such as temporary U.S. residency, employment authorization, and/or the ability to travel abroad. An applicant files this information collection to appeal the grounds of denial or termination and to ensure the continuance of certain immigration benefits.
7. There are no special circumstances applicable to this information collection.
8. USCIS published a 60 Day Notice requesting comments on March 10, 2009 at 74 FR 10262. USCIS did not receive any comments.
9. 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	1,192
b.	Number of Responses per Respondent	1
c.	Total Annual Responses	1,192
d.	Hours per Response	.5
e.	Total Annual Reporting Burden	596

Annual Burden Hours

The annual reporting burden hours are **596**. This number is calculated by multiplying the number of respondents (1,192) x (1) number of responses x 30 minutes (.50) 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. There is a fee charge of \$545 per application associated with the collection of this information.

14. Annualized Cost Analysis:

a.	Printing Cost	\$	215
b.	Collection and Processing Cost	\$	649,425
c.	Total Cost to Program	\$	649,640
d.	Fee Charge	\$	649,640
e.	Total Cost to Government	\$	0

Government Cost

The estimated cost of the program to the Government is calculated by multiplying estimated number of respondents 1,192 by the \$545 fee charge, (which includes suggested average hourly rate for clerical, officer, and supervisory time with benefits), plus a percent for printing, stocking, and distributing the form.

Public Cost

The estimated annual public cost is \$655,600. This is based on the number of respondents 1,192 x (1) number of responses x 30 minutes (.50) per response x \$10 (average hourly rate), plus the number of respondents 1,192 x fee charge of \$545.

15. There has been no increase or decrease in the 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 for OMB approval of this information collection.

18. USCIS does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods.

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,
Department of Homeland Security.

Date