

SUPPORTING STATEMENT

Application to Register Permanent Residence or Adjust Status

Form I-485, Supplement A and Supplement E

OMB No. 1615 - 0023

A. JUSTIFICATION

1. Section 245 of the Immigration and Nationality Act (INA), provides for the adjustment of status of a nonimmigrant to that of a person admitted for permanent residence.

Authority: Section 245 of the INA, 8 CFR 245.2(a)(3), 245.23(e) – (g), and 8 CFR 245.24.

2. The data collected on this form is used by U.S. Citizenship and Immigration Services (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. The Form I-485 is being revised (see attached table of changes).

Supplement A is used to adjust status under section 245(i) of the INA.

Supplement E provides evidentiary requirements for T and U applicants to submit to adjust status.

3. The use of the Form I-485, and supplements A and E provide 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-485 applications and supplements. However, this form and supplements 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.
7. There are no special circumstances associated with this information collection.
8. On June 11, 2009 USCIS published a 60-day notice in the Federal Register at 74 27811. USCIS published a 30 Day notice in the Federal Register at 74 FR 44375. USCIS did not receive any comments for this information collection.
9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. The Privacy Act of 1974 (Pub. L. 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 agencies.
11. There are questions of a sensitive nature regarding past behavior and activities. These questions are necessary to determine eligibility of the applicant for adjustment to permanent residence status under section 245 of the INA.

12. **Annual Reporting Burden:**

	<u>Form I-485</u>	<u>Supp. A</u>	<u>Supp. E</u>
a. Number of Respondents	614,921	3,888	31,000
b. Number of Responses per each Respondent	1	1	1
c. Total Annual Responses	614,921	3,888	31,000
d. Hours per Response	6.25	.216	1.00

e. Total Annual Reporting Burden	3,843,256	839	31,000
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Annual Reporting Burden

The total annual reporting burden hours are **3,875,095**. This figure is calculated for the Form I-485 by multiplying the number of respondents 614,921 x frequency of response per year (1) x hours per response (6.25) (6 hours and 15 minutes). In addition this figure is calculated for the Form I-485, Supplement A by multiplying the number of respondents 3,888 x frequency of response per year (1) x hours per response (.216) (13 minutes) ; and for Supplement E by multiplying the number of respondents 31,000 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 question 14. However, there is a fee charge of:

- \$600 (applicants under 14 years of age) and \$930 (applicants over 14 years of age) for filing Form I-485;
- \$80 biometric fee for filing Form I-485; and a
- \$1,000 fee for filing Form I-485A.

14. Annualized Cost Analysis:

a. Printing Cost	\$ 371,232
b. Collecting and Processing Cost	\$ 535,978,028
c. Total Cost to Program	\$ 536,349,260
d. Fee Charge, if any	\$ 536,349,260
e. Total Cost to Government	\$ 0

Government Cost

The estimated cost to the Government 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. The following calculations were used to determine the estimated cost to the Government:

Form I-485:

- Estimated number of respondents over 14 years of age (349,082) multiplied (x) by the \$930 fee.
- Estimated number of respondents under 14 years of age (265,839) multiplied (x) by the \$600 fee.
- Estimated number of respondents (603,895) multiplied (x) by the \$80 biometrics fee. (Those applicants (11,026) filing for T and U adjustment under 14 years of age will not have to pay the \$80 biometric fee.

Form I-485, Supplement A:

- Estimated number of respondents (3,888) multiplied (x) by the \$1,000 fee.

Form I-485, Supplement E:

No fee for filing Form I-485, Supplement E.

Public Cost

The estimated annual public cost is: **\$606,255,988**. This figure was derived as follows:

Form I-485

- Estimated number of respondents over 14 years of age (349,082) multiplied (x) by the \$930 fee = \$324,646,260.

- Estimated number of respondents under 14 years of age (265,839) multiplied (x) by the \$600 fee = \$159,503,400.
- Estimated number of respondents (603,895) multiplied (x) by the \$80 biometrics fee = \$48,311,600. (Those applicants (11,026) filing for T and U adjustment under 14 years of age will not have to pay the \$80 biometric fee.
- Estimated number of respondents (614,921) multiplied by (x) frequency of response per year (1) x hours per response (6.25), x \$18.04 = \$69,332,338.

Form I-485 Supplement A:

- Estimated number of respondents (3,888) multiplied (x) by the \$1,000 fee = \$3,888,000.
- Estimated number of respondents (3,888) x frequency of response (1) x hours per response (.216) x \$18.04 = \$15,150.

Form I-485 Supplement E:

- Estimated number of respondents (31,000) x frequency of response (1) x hours per response (1.00) (1 hour) x \$18.04 = \$559,240.

15. There is an increase of 218,437 in the annual burden hours. This increase is due to a change in policy which adds a Supplement E, which provides additional instructions to T and U nonimmigrant status holders seeking to adjust their status and includes documentation requirements not found on Form I-485 itself. However, there has been a decrease of \$ 53,410,950 in the annual cost. When USCIS submitted an OMB Correction Worksheet (OMB 83-C) to OMB on July 16, 2007, USCIS inadvertently included the \$930 fee

for all applicants submitting the Form I-485. USCIS did not break down the cost of those submitting the \$930 (over 14 years of age), and those submitting \$600 (under 14 years of age. This supporting statement rectifies that error.

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

Date