

Supporting Statement

**Application for Advance Permission to enter as Nonimmigrant
(Pursuant to 212(d)(3) of the Immigration and Nationality Act)**

Form I-192

(OMB No. 1615-0017)

A. Justification.

1. Section 212(a) of the Immigration and Nationality Act (INA), defines certain classes of aliens who are ineligible to receive nonimmigrant visas and who are excluded from admission into the U.S. Section 212(d)(3) of the INA allows the Secretary of Homeland Security to waive the applicability of section 212(a) for certain non-immigrants and to admit the alien temporarily despite his or her inadmissibility. This form is provided by the U.S. Citizenship and Immigration Services (USCIS) as a means for certain inadmissible nonimmigrant aliens to apply for permission to enter the United States. This form is also used by U.S. Customs and Border Protection (USCBP), to grant temporary permission to certain inadmissible non-immigrants who wish to enter the United States through a port-of-entry pursuant to section 212(d)(3) of the INA. USCIS, also uses this form to address inadmissibility issues for T (Victims of Severe Forms of Trafficking in Persons) and U (Victims of Criminal Activity) petitioners. This is in accordance with 8 CFR 212.16, 8 CFR 212.17 and 8 CFR 214.14.

2. The data collected will be used by USCBP and USCIS to determine whether the applicant is eligible to enter the United States temporarily under the provisions of section 212(d)(3) of the INA.
3. The use of Form I-192 provides the most efficient means for collecting and processing the required data. Currently, neither USCBP or USCIS has the automated capability in place to accept electronic submission of application. This form can be completed electronically but cannot be submitted electronically. However, this form has been designated for e-filing under the Business Transformation Project.
4. A review of the USCIS's Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available which 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 the information is not collected, under section 212(d)(3) of the INA, certain classes of aliens, who are ineligible to receive visas and to enter the United States, would remain that way with no opportunity for a waiver of inadmissibility .
7. There are no special circumstances applicable to this information collection.
8. On June 25, 2009, USCIS published a 60-day notice in the Federal Register at 74 FR 30313. On September 28, 2009, USCIS published a 30-day notice in the Federal Register at 74 FR 49394. USCIS did not receive comments for this information collection.
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	17,000
b.	Number of Responses per Each Respondent	1
c.	Total Annual Responses	17,000
d.	Hours per Response	.50
e.	Total Annual Reporting Burden	8,500

The total annual reporting burden hours for this information collection is 8,500.

This figure is derived by multiplying the number of respondents 17,000 x the frequency of the response (1) x the hours per response .50 (30 minutes) per response.

13. There are no capital or start-up costs associated with this information collection. There is a fee charge of \$545 associated with the collection of this information.

14. Annualized Cost Analysis:

a.	Printing Cost	\$ 1,000
b.	Collection and Processing	\$ 9,155,000
c.	Total Cost to Program	\$ 9,156,000
d.	Fee Charge	\$ 9,156,000
e.	Total Cost to Government	\$ 0

Government Cost

*The estimated cost of the program to the government is calculated by multiplying the estimated number of respondents (16,800) x the suggested \$545 fee charge (which includes the suggested hourly rate for clerical, officer and managerial time with benefits, plus a percent for the estimated overhead cost for printing, stocking and distributing and processing of this form).

*It is estimated that 200 applicants will avail themselves of the fee waiver.

Public Cost

The total annual burden hour cost for respondents is \$85,000. This is based on the number of respondents (17,000) x the number of responses (1) x .50 (30 minutes) per response x \$10 (average hourly rate)

The total annual fee burden cost for respondents is 9,156,000. This figure is based on the number of respondents 16,800 multiplied by the fee charge of \$545.

- 15. There has been no increase or decrease in the annual 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 collection of information.
- 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.

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,

Date

Deputy Chief,

Regulatory Products Division,

U.S. Citizenship and Immigration Services,

Department of Homeland Security.