

Supporting Statement
Application for Family Unity Benefits
Form I-817
(OMB No. 1615-0005)

A. Justification.

1. This application provides for an automatic stay of removal and employment authorization for the spouse or unmarried child of an alien who has been granted temporary or permanent residence status under section 245A of the Immigration and Nationality Act (Act). 8 CFR 236.14 and 245a.33 requires the submission of Form I-817.
2. The data collected will be used to determine whether the applicant meets the eligibility requirements. If the applicant fully demonstrates eligibility, the application will be approved, and USCIS will issue an employment authorization document and approval notice to the applicant.
3. The use of Form I-817 provides the most efficient means for collecting and processing the required data. Currently, USCIS does not have 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, the USCIS adjudicating officer will be unable to determine whether the applicant is eligible for the benefits sought under 8 CFR 236.14 or 8 CFR 245a.33.
7. There are no special circumstances applicable to this information collection.
8. On June 15, 2009, USCIS published a 60-day notice in the Federal Register at 74 FR 28266. On October 1, 2009, USCIS published a 30-day notice in the Federal Register at 74 FR 50811. 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. There is no assurance of confidentiality.
11. There are some questions of a sensitive nature such as information regarding a family relationship. However, this information is necessary for an adjudicator to make a determination of eligibility for family unity benefits.

12. **Annual Reporting Burden:**

a.	Number of Respondents	6,000
b.	Number of Responses per Each Respondent	1
c.	Total Annual Responses	6,000
d.	Hours per Response	2.0
e.	Total Annual Reporting Burden	12,000

The total annual reporting burden hours for this information collection is 12,000.

This figure is derived by multiplying the number of respondents 6,000 x frequency of the response (1) x 2 hours per response.

13. There are no capital or start-up costs associated with this information collection. There is a fee charge of \$440 associated with the collection of this information. Additionally, there is an additional \$80 charge for Biometric Services.
14. Annualized Cost Analysis:

a.	Printing Cost	\$ 8,000
b.	Collection and Processing	\$ 3,112,000
c.	Total Cost to Program	\$ 3,120,000
d.	Fee Charge	\$ 3,120,000
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 (6,000) x the suggested \$440 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). In addition, there is a Biometrics Fee of \$80 x 6,000 applicants.

Public Cost

The total annual burden hour cost for respondents is \$120,000. This is based on the number of respondents (6,000) x number of responses (1) x 2 hours per response x \$10 (average hourly rate).

The total annual fee burden cost for respondents is 3,120,000. This figure is based on the number of respondents 6,000 x the fee charge of \$440, plus the number of respondents 6,000 x \$80 for the biometric fee.

15. There has been no increase or decrease of 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.