

SUPPORTING STATEMENT

Application by Refugee for Waiver of Grounds of Excludability

(Form I-602)

OMB No. 1615-0069

A. JUSTIFICATION:

1. This form facilitates compliance with sections 207 and 209 of the Immigration and Nationality Act (Act) which provides for the waiver of certain grounds of excludability. Section 207(c)(3) of the Act sets forth grounds of inadmissibility under section 212(a) of the Act which are not applicable to waivers and those which may be waived. The applicant for a waiver must submit Form I-602, Application by Refugee for Waiver of Grounds of Excludability, with the U.S. Citizenship and Immigration Services (USCIS) officer processing his or her case. The applicant must show that the waiver should be granted based on humanitarian grounds, family unity, or for the public interest. Additionally, the Act requires the USCIS to report to Congress on the granting of such waivers to aliens applying for admission as refugees or adjusting status to that of a permanent resident. In accordance with 8 CFR 207.3 the applicant for a waiver must submit Form I-602 with the USCIS office processing his or her case. The burden is on the applicant to show that the waiver should be granted based upon humanitarian grounds, family unity, or the public interest.
2. The data collected on Form I-602 will be used by USCIS to determine eligibility for waivers, and to report to Congress the reasons for granting waivers.

3. The use of Form I-602 provides the most efficient means for collecting and processing the required data. In this case the USCIS does not employ the use of information technology in collecting and processing information. Currently, the USCIS does not have the automated capability in place to accept electronic submission of applications. However, this form does reside on USCIS' Web site and can be completed and saved electronically.
4. A review of the 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. Form I-602 is necessary to establish eligibility for waiver of excludability based on humanitarian, family unity, or public interest. Additionally, if this information collection is not approved, the USCIS would not be in compliance with the Act which mandates that USCIS report to Congress the number of waivers granted.
7. There are no special circumstances associated with this information collection.
8. On July 13, 2009, USCIS published a 60-day notice in the Federal Register at 74 FR 33454. On October 6, 2009, USCIS published a 30-day notice in the Federal Register at 74 FR 51299. 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 those relating to mental disorder and behavior associated with that disorder, which may pose a threat to the safety of others. However, the answer to these questions are necessary in order for USCIS to make a determination on whether to provide a waiver of grounds of excludability.

12. **Annual Reporting Burden:**

a.	Number of Respondents	2,500
b.	Number of Responses per Respondent	1
c.	Total Annual Responses	2,500
d.	Hours per Response	.25
e.	Total Annual Reporting Burden	625

Annual Reporting

The annual reporting burden is estimated to be 625. This estimate is derived by multiplying the number of respondents (2,500) x number of responses (1) x .25 hours (15 minutes) 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 no fee associated with this information collection.

14. **Annualized Cost Analysis:**

a.	Printing Cost	\$	1,350
b.	Collection and Processing Cost	\$	8,300
c.	Total Cost to Program	\$	9,650
d.	Fee Charge	\$	0

e. Total Cost to Government \$ 9,650

Government Cost

The estimated cost of the program to the Government is \$9,650. This figure is calculated by multiplying the estimated number of respondents (2,500) multiplied (x) by .083 (5 minutes) (time required to collect and process information) x \$40 (suggested average hourly rate for clerical, officer, and supervisory time with benefits), plus \$1,350 overhead cost for printing, stocking, distributing and processing of this form.

Public Cost

The estimated annual public cost is \$6,250. This is based on the number of respondents (2,500) x .25 (15 minutes) per response x number of responses (1) x \$10 (average hourly rate).

- 15. There has been no increase or decrease in the estimated 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 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 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 Products Division,
U.S. Citizenship and Immigration Services.
Department of Homeland Security.

Date