

SUPPORTING STATEMENT

Application for Naturalization

Form N-400

(OMB No. 1615-0052)

A. Justification.

1. The Form N-400 is an application the U.S. Citizenship and Immigration Services (USCIS) provides for the use of immigrants who apply for naturalization (8 CFR 316.4). The USCIS uses the N-400 to determine whether the applicant is eligible for U.S. citizenship.
2. USCIS uses information collected on the N-400 to determine the applicant's eligibility for naturalization.
3. At this time, this form provides the most efficient means for collecting and processing the required data. USCIS has designated this form 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. The information collected on the Form N-400 is essential to documenting whether the applicant has met all the eligibility requirements for naturalization. If the

information collection is not conducted, USCIS would not be able to determine if an applicant's eligibility requirements for naturalization were met, nor would adjudication officers be able to conduct a meaningful adjudication interview.

7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. On September 3, 2009, USCIS published a 60-day notice in the Federal Register at 74 FR 45648 advising the public that USCIS was revising the Form N-400. It has now been decided that USCIS would not revise the form at this time but would make extensive changes after a request for an extension has been approved. However, since USCIS did receive two comments on the 60-day notice, the following is a discussion of those comments and our response, On November 20, 2009, USCIS published a 30-day notice in the Federal Register at 74 FR 60282 requesting comments on the extension.

Specific Comments

One commenter noted that applicants for naturalization who are married to United States citizens can apply for naturalization after 3 years of obtaining permanent residence and that these applicants must prove the validity of the marriage during the naturalization proceeding. The commenter then stated that applicants who entered into a fraudulent marriage with a United States citizen do not apply for naturalization after 3 years because the applicants know the validity of the marriage is at issue in those proceedings. Instead, the applicants wait 2 more years and apply for naturalization under the general naturalization provision which does not necessarily require applicants to prove the validity of the marriage. The commenter then indicated that USCIS should analyze all marriages to U.S. citizens regardless of when the applicant is applying for naturalization. Additionally, the commenter indicated that USCIS should also ask for information relating to child support.

The Form N-400 already contains a section asking applicants to list all current and prior marriages, including the immigration status or citizenship of their current and prior spouses. If USCIS discovers that that applicant engaged in marriage fraud to obtain permanent residence, USCIS denies the naturalization application.

Accordingly, USCIS agrees with the commenter's assessment that marriage fraud is a relevant factor to consider. No changes were made to the form as a result of the comment.

Additionally, the commenter stated that USCIS should determine whether an individual is paying child support before USCIS grants naturalization. USCIS already does this. Form N-400 contains a section asking applicants to list all their children and specifically asks applicants whether they have ever failed to support

dependents or pay alimony. Accordingly, USCIS agrees with the commenter. No changes are made to the form as a result of this comment.

One commenter expressed a view that USCIS should allow electronic submission of Form N-400. USCIS agrees with this comment. The Form N-400 has designated for e-filing under the Business Transformation project.

9. The 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	700,000
b.	Number of Responses per each Respondent	1
c.	Total Annual Responses	700,000
d.	Hours per Response	6.13
e.	Total Annual Reporting Burden	4,291,000

Annual Reporting Burden

The total annual reporting burden is **4,291,000**. This figure is based on the number of respondents (700,000) multiplied by x 6.13 (6 hours and 8 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 collection are identified in item 14. There is a \$595 fee associated with the filing of this information collection, and a biometrics fee of \$80.

14. Annualized Cost Analysis:

a.	Printing Cost	\$ 100,000
b.	Collecting and Processing Cost	\$ 472,400,000
c.	Total Cost to Program	\$ 472,500,000
d.	Fee Charge	\$ 472,500,000
e.	Total Cost to Government	0

Government Cost

The estimated cost of the program to the Government is calculated by using the estimated number of adult respondents (700,000) x \$595 (which 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); plus 700,000 x \$80 (for capturing biometric information in connection with an application for naturalization).

Public Cost

The estimated annual public cost is **\$515,410,000**. This is based on:

- a. The number of respondents (700,000) x hours of response (6.13 hours) x average hourly rate (\$10);
 - b. The number of respondents (700,000) x the fee (\$595); and
 - c. The number of respondents (700,000) x the biometric fee (\$80);
15. There has been no increase or decrease in the burden hours associated with the collection of this information.
16. USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.

17. DHS will not display the expiration date for this information collection on the form.
 - a. Displaying the expiration date serves no useful purpose for USCIS information collections, confuses the public, and requires USCIS to expend scarce fee revenue to re-program automated systems in order to change the expiration date.
 - b. At any given time there are numerous forms on the USCIS Web site that have dates on them that indicate that the form has “expired.”
 - c. The public, which is mostly unfamiliar with the Paperwork Reduction Act, does not know what that date means. Our experience indicates that much of the public interprets that date as meaning that the form has actually expired and thus there must be a current version available elsewhere.
 - d. USCIS call centers receive numerous unnecessary inquiries about the “new” form when the version on the Web site has “expired” while USCIS awaits OMB approval of a revision or extension of the currently approved information collection.
 - e. USCIS has recently posted a notice on its Web site informing the public that a form on that site that indicates that it has expired is still valid and accepted, which renders the expiration date meaningless.
 - f. In the case of a request for an extension of an approved information collection, many of which USCIS must provide annually, the only change on the form may be the expiration date. In that case, the USCIS centralized Lockbox intake facility still must re-program its software to update it for the current

version of the form at a cost of \$1,000. More extensive changes are more costly.

- g. Not displaying the expiration date on the form would allow USCIS to forego reprogramming costs in the case of a simple extension.

Accordingly, USCIS requests permission to not display the expiration date of this information collection because displaying the expiration date confuses the public, serves no purpose, and may require inefficient expenditure of fee revenue collected from those who have requested immigration benefits.

- 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.

Sunday Aigbe
Chief,
Regulatory Management Division,
U.S. Citizenship and Immigration Services.

Date