

Supporting Statement
Application for Permission to Reapply for Admission
into the United States after Deportation or Removal
Form I-212
(OMB No. 1615-0018)

A. Justification.

1. Sections 212(a)(9)(A) and 212(a)(9)(C) of the Immigration and Nationality Act (Act) render an alien inadmissible to the United States unless he or she obtains the consent to reapply for admission to the United States. The information collection required on Form I-212 is necessary to make a determination regarding the alien's eligibility to receive consent to reapply. For example, all documents must be reviewed that relate to the alien's exclusion, deportation, or removal proceedings, the alien's record of immigration violations, and the alien's criminal record, if applicable. Moreover, if the alien is inadmissible under section 212(a)(9)(C)(i) of the Act, evidence must be submitted to demonstrate that the alien has remained outside the United States for a period of at least 10 years since the date of his or her last departure. If the Form I-212 is approved, the alien will be permitted to apply for admission to the United States, after being granted a visa with the Department of State (DOS) as either an immigrant or a nonimmigrant.

The data collected on Form I-212 has been, and will continue to be, used to determine whether an alien is eligible for and should be granted the benefit of consent to reapply for admission into the United States. This form has and will

continue to serve the purpose of standardizing requests for consent to reapply. The Form I-212 data collection requirements ensure that the basic information required to assess eligibility for consent to reapply is provided by the alien when filing the application.

In general, the revisions to this form and its instructions reflect the most current state of the law. While this makes the form and its instructions longer, it will assist the applicants with completing the form, and lead to less erroneous filings because the area of law and jurisdiction governing this form are very complicated (see table of changes).

3. The use of Form I-212 provides the most efficient means for collecting and processing the required data. Currently, none of the agencies employ the use of information technology in collecting and processing information provided on Form I-212. However, this form can currently be completed electronically on the USCIS Web site at www.uscis.gov, and has been scheduled for e-filing under the Business Transformation Project.
4. A review of the 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 information collection does not have an impact on small businesses or other small entities.
6. If the information is not collected, we will be unable to adjudicate requests by aliens who require consent to reapply for admission to the United States. Aliens subject to section 212(a)(9)(A) or (C) of the Act would be temporarily or

permanently barred from entering the United States with no available remedy. The information collection contained in Form I-212 will allow for the effective adjudication of requests by aliens for consent to reapply.

7. There are no special circumstances applicable to this information collection.
8. On November 24, 2009, USCIS published a 60-day notice in the Federal Register at 74 FR 61358. On March 5, 2010, USCIS published a 30-day notice in the Federal Register at 10298. USCIS received comments from one commenter. The following is a discussion of the comments.

The commenter suggested that USCIS clarify in the instructions where to file the form and which office adjudicates the application. USCIS has included, among other information, in the Form I-212 instructions a detailed explanation providing the requested type of information. The commenter also suggested that the adjudication of the Form I-212 be centralized, similar to other forms used by USCIS. However, because 8 CFR 212.2 outlines which office has jurisdiction to adjudicate the application, USCIS can not currently adopt the commenter's suggestion.

Finally, the commenter remarked on the processing time report posted on www.uscis.gov for Form I-212 and the lack of responsiveness at Field Offices to case status inquiries, specifically the Newark, New Jersey Office. The appropriate USCIS HQ component was notified to address the problems raised by the commenter. The following is a discussion of USCIS' response:

[The Web site at www.uscis.gov provides guidance for the Newark Field Office including Case Status and Referral Follow-ups, among other guidance. The](http://www.uscis.gov)

USCIS Newark Field Office Web site can be assessed at:

<https://egov.uscis.gov/crisgwi/go?>

[action=offices.detail&office=NEW&OfficeLocator.office_type=LO&OfficeLocator.statecode=NJ.](https://egov.uscis.gov/crisgwi/go?action=offices.detail&office=NEW&OfficeLocator.office_type=LO&OfficeLocator.statecode=NJ)

The Case Status and Referral Follow-up section includes:

- Guidance on the established USCIS process of case follow-up, starting with a call to the National Customer Service Center's (NCSC) telephone number at 1-800-375-5283. USCIS like many other government agencies and businesses have instituted a successful centralized national telephonic response process to handle inquiries.
- The NCSC will contact USCIS to research the Form I-212 case and the customer will receive a letter with further information on their case. Regarding the issue of a tracking number not being provided at the Newark field office on Form I-212 filings:
- USCIS is in the process of transferring form filings to the USCIS Lockbox facilities over the next several years, which will allow us to generate a tracking number for every Form I-212 application filed.
- However, most (if not all) Form I-212 applicants should already have an A-number (alien registration number) because of previous interaction with the Department of Homeland Security (ICE, CBP, USCIS) on an immigration matter that would have likely generated a permanent A-number. In lieu of a tracking number for the Form I-212, this number should be used as the applicant's best identifying number on Form I-212.

application and should be presented to the NCSC to assist in identifying the Form I-212 application.

- The NCSC will notify the applicant if their Form I-212 application requires in person follow-up at the Newark office. The Newark office address is clearly cited on the Web site.
- USCIS has an “Infopass” program right on its Web site that allows a member of the public to request an appointment to appear at the Newark Field Office.
- If for some reason the applicant has not heard from the NCSC within 45 days, the applicant may request an “Infopass” appointment at the Newark office on their own to follow-up on their Form I-212 application.

9. Payments or gifts to respondents in exchange for a benefit sought are not provided.

10. There is no assurance of confidentiality.

11. There are no questions of a sensitive nature.

12. **Annual Reporting Burden:**

a. Number of Respondents:	4,200
b. Number of Responses per each Respondent:	1
c. Total Annual Responses:	4,200
d. Hours per Response:	2
e. Total Annual Reporting Burden:	8,400

Annual Reporting

Total annual reporting burden hours is 8,400. This figure was derived by multiplying number of respondents (4,200) x frequency of response (1) x 2 hours 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 question 14. However, there is a fee of \$545 for this information collection.

14. **Annualized Cost Analysis:**

a. Printing Cost	\$ 1,134
b. Collection and Processing	\$ 2,287,866
c. Total Cost to Program	\$ 2,289,000
d. Fee Charge	\$ 2,289,000
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 (4,200) x \$545 the suggested fee charge (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.

Public Cost

The estimated annual public cost is \$ 2,373,000. This estimate is based on the number of respondents (4,200) x 2 hours per response x \$10 (average hourly rate), plus the number of respondents (4,200) x \$545 fee charge.

15. There has been no increase or decrease in the burden hours. There has been no increase or decrease in the total public cost.
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 this information collection.
18. USCIS does not request an exception to the certification of this information collection.

B. No statistical methods will be employed for this information collection.

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 Products Division,
U.S. Citizenship and Immigration Services.

Date