

## **Supporting Statement**

### **Form I-687**

#### **Application for Status as Temporary Resident under Section 245A**

#### **of the Immigration and Nationality Act**

**OMB No. 1615-0090**

#### **A. Justification**

1. Pursuant to the terms of the settlement agreement in the legalization class action *Northwest Immigrant Rights Project, et al. v. U.S. Citizenship and Immigration Services, et al.*, CV 88-379R (NWIRP) (a.k.a. "LEAP") U.S. Citizenship and Immigration Services (USCIS) must provide aliens the opportunity to file Form I-687. The application period for the NWIRP settlement agreement closed on February 2, 2010. However, USCIS expects approximately 50 foreign CSS/Newman applicants to file Form I-686 during the year. Attorneys for the CSS/Newman plaintiffs objected that USCIS rejected foreign filers. The plaintiffs took their complaints to the federal judge and the judge ruled that we must accept CSS/Newman applications from the foreign filers we rejected in 2004-05.
2. Form I-687 will be used to apply to USCIS for benefits pursuant to the terms and conditions of the NWIRP settlement agreement. If approved, applicants will be granted Temporary Resident status in the United States with the opportunity to file for permanent residency. The data collected on this form is used by USCIS to verify the applicant's status and determine his or her eligibility for the benefit.

3. The use of Form I-687 provides the most efficient means for collecting and processing the required data. In this case, USCIS does not employ the use of information technology in collecting and processing information. However, this form can be completed electronically but cannot be e-filed.
4. A search of USCIS' automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected.
5. The collection of information does not have an impact on small businesses or other small entities.
6. The collection of information on Form I-687 is required to verify the applicant's eligibility for temporary status, and if the applicant is deemed eligible, to grant him or her the benefit sought. Lacking such form, the applicant could not seek the benefit provided pursuant to the settlement.
7. There are no special circumstances applicable to this information collection.
8. On April 23, USCIS published a 60-day notice in the Federal Register at 75 FR 21340. On July 15, 2010, USCIS published 30-day notice in the Federal Register at 75 FR 41215. 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 no questions of a sensitive nature.

**12. Annual Reporting Burden**

- |                        |    |
|------------------------|----|
| a. Number of Responses | 50 |
|------------------------|----|

b. Number of Responses per Applicant	1
c. Total Annual Responses	50
d. Hours per Response	1.166
e. Total Annual Reporting Hours	58

**Annual Burden Hours**

**Total annual reporting burden hours is 58.** This number is calculated by multiplying the number of respondents (50) x frequency of responses (1) x 1.166 hours (1 hour and 10 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. However, there is a fee of \$710 and a \$80 biometric fee.

**14. Annualized Cost Analysis:**

a. Printing Cost	\$ 50
b. Collection and Processing Cost	\$ 39,450
c. Total Cost to Program	\$ 39,500
d. Fee Charge	\$ 39,500
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 (50) x \$710 fee charge (which includes the 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 this form); plus the number of respondents (50) x \$80 biometric fee.

**Public Cost**

**The estimated annual burden cost is \$41,233.** This estimate is based upon the number of respondents (50) x (1) number of responses x 1.16 hours (1 hour and 10 minutes) per response x \$29.89 (average hourly rate).

**The estimated annual fee cost is \$39,500.** This estimate is based on the number of respondents (50) x \$710 fee; plus the number of respondents (50) x \$80 biometric fee.

15. There has been a decrease of 115,942 annual burden hours previously reported for this information collection. There is also been a decrease of \$78,960,500 in the annual burden cost. Since the filing period closed for the NWIRP class action lawsuit, the number of respondents filing this application has been reduced significantly. However, USCIS expects that 50 foreign CSS/Newman applicants will file Form I-687s this year.
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. 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 compiled with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

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**Sunday Aigbe,**

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**Date**

Chief,

Regulatory Products Division,

U.S. Citizenship and Immigration Services,

Department of Homeland Security.