

SUPPORTING STATEMENT

Application to Register Permanent Residence or Adjust Status

Form I-485, Supplement A and Supplement E

OMB No. 1615 - 0023

A. JUSTIFICATION

1. Section 245 of the Immigration and Nationality Act (INA), provides for the adjustment of status of a nonimmigrant to that of a person admitted for permanent residence.

Authority: Section 245 of the INA, 8 CFR 245.2(a)(3), 245.23(e) – (g), and 8 CFR 245.24.

2. The data collected on this form is used by U.S. Citizenship and Immigration Services (USCIS) to determine eligibility for the requested immigration benefit. The form serves the purpose of standardizing requests for benefits and ensuring that basic information required to assess eligibility is provided by applicants.

Supplement A is used to adjust status under section 245(i) of the INA.

Supplement E provides evidentiary requirements for T and U applicants to submit to adjust status.

3. The use of the Form I-485, and supplements A and E provide the most efficient means of collecting and processing the information needed to determine eligibility for individuals to acquire permanent residence status. These forms can be completed electronically but cannot be submitted electronically. However, this form and supplements will be designated 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. If this information is not collected, it would hinder USCIS's ability to accept and analyze information submitted by applicants for permanent residence status.
7. There are no special circumstances associated with this information collection.
8. On June 30, 2010, USCIS published a 60-day notice in the Federal Register at 75 FR 37820. On October 21, 2010, USCIS published a 30-day notice in the Federal Register at 75 FR 65021. USCIS did not receive any comments.
9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. The Privacy Act of 1974 (Public Law 93-589) mandates that personal information solicited from individuals completing Federal records and forms be kept confidential. The respondent is informed prior to submission that USCIS may provide this information to other agencies.
11. There are questions of a sensitive nature regarding past behavior and activities. These questions are necessary to determine eligibility of the applicant for adjustment to permanent residence status under section 245 of the INA.

12. **Annual Reporting Burden:**

	<u>Form I-485</u>	<u>Supp. A</u>	<u>Supp. E</u>
a. Number of Respondents	491,112	3,888	31,000
b. Number of Responses per each			
Respondent	1	1	1
c. Total Annual Responses	614,921	3,888	31,000
d. Hours per Response	6.25	.216	1.00
e. Total Annual Reporting Burden	3,069,450	839	31,000

Annual Reporting Burden

The total annual reporting burden hours are **3,101,289**. This figure is calculated by multiplying:

- Form I-485 number of respondents 491,112 x (1) frequency of response per year x (6.25) 6 hours and 15 minutes per response;
- Supplement A number of respondents 3,888 x (1) frequency of response per year x (.216) 13 minutes per response; and
- Supplement E number of respondents 31,000 x (1) frequency of response per year (1) x 1 hour 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 charge of:

- \$985 for filing fee for Form I-485;
- \$85 biometric fee for filing Form I-485; and a
- \$1,000 fee for filing Form I-485A.

14. Annualized Cost Analysis:

a.	Printing Cost	\$ 371,232
b.	Collecting and Processing Cost	\$ 529,006,508
c.	Total Cost to Program	\$ 529,377,840
d.	Fee Charge, if any	\$ 529,377,840
e.	Total Cost to Government	\$ 0

Government Cost

The estimated cost to the Government 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. The following calculations were used to determine the estimated cost to the Government:

Form I-485:

- Estimated number of respondents (491,112) multiplied by (x) by the \$985 fee.
- Estimated number of respondents (491,112) multiplied (x) by the \$85 biometrics fee.

Form I-485, Supplement A:

- Estimated number of respondents (3,888) multiplied (x) by the \$1,000 fee.

Form I-485, Supplement E:

No fee for filing Form I-485, Supplement E.

Public Cost

The estimated annual burden hour cost is \$92,697,551. This figure was derived by multiplying:

- Form I-485 estimated number of respondents (491,112) x (1) frequency of response per year (1) x (6.25) 6 hours and 15 minutes per response (6.25), x \$29.89 (average wage rate) = \$91,745,860.
- Supplement A estimated number of respondents (3,888) x (1) frequency of response x (.216) 13 minutes per response x \$29.89 (average wage rate) = \$25,101; plus
- Supplement E estimated number of respondents (31,000) x (1) frequency of response x 1 hour per response x \$29.89 (average wage rate) = \$926,590

The estimated annual public fee cost is \$529,377,840. This figure was derived as follows:

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- Estimated number of respondents (491,112) x \$985 = \$483,745,320.
- Estimated number of respondents (491,112) x \$85 biometrics fee = \$41,744,520. (Those applicants (11,026) filing for T and U adjustment under 14 years of age will not have to pay the \$80 biometric fee.

Form I-485 Supplement A:

- Estimated number of respondents (3,888) x \$1,000 fee = \$3,888,000.

Form I-485 Supplement E:

- No fee for filing Form I-485, Supplement E.

15. There is a decrease in the annual burden hours of 186,211 and a decrease in the annual cost of \$33,442,160 previously reported for this information collection. This is as a result of an error in the previous worksheet that USCIS submitted on August 6, 2010. We miscalculated the number of respondents, and included a filing fee for Form I-485 Supplement E. There has been no change to the information being collected.
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 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